

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No. 21871 of 2019
Date of Decision:-04.07.2019**

Jagdevdin @ Jagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Jagdevdin @ Jagga has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.47 dated 25.4.2017, under Section 22 of NDPS Act, registered at Police Station Jodhan, District Ludhiana (Rural). The petitioner is in custody since 05.3.2019.

As per FIR, when the police party was present at Joraha Chowk, Village Phallewal in connection with patrolling and checking of suspected persons, at about 9.15 PM, a Hindu person was seen coming from

the side of Village Phallewal and on seeing the police party he got perplexed and was about to turn back. On the basis of suspicion he was apprehended and on asking he told his name as Jagdevdin @ Jagga (petitioner). After formalities, search was conducted and 5 strips of Alpex 0.5, each strip containing 10 tablets and 200 grams of intoxicant powder was recovered from the right pocket of kurta worn by him.

Learned counsel for the petitioner has submitted that vide order dated 23.5.2017 the petitioner was granted interim bail by the trial Court till receipt of report of FSL. Now, after filing of FSL report, learned trial Court vide order dated 05.3.2019, cancelled the interim bail and the petitioner was taken into custody. He further contends that no doubt the quantity of contraband recovered from the petitioner falls within the commercial category but after granting interim bail by the trial Court, he never misused the same and no other case is pending against him.

On the other hand, learned State counsel has opposed the prayer on the ground that order passed by the Court below rejecting the bail of the petitioner is well reasoned.

Heard.

Though the recovered contraband falls within the commercial category but considering the fact that petitioner is 70 years old, who was granted interim bail by the trial Court vide order dated 23.5.2017 and he never misused the said concession, which was for a period of 01 year and 10 months, therefore, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Ludhiana.

The petition is allowed.

July 04, 2019

Vijay Asija

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No