

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

CRM-M No.53343 of 2018

Date of Decision: 05.02.2019

Jasvir Singh @ Jassi

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. K. Arun Singh, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.110 dated 28.08.2018 registered under Sections 21/29 of the NDPS Act, 1985 at Police Station Doraha, District Ludhiana during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was not involved.

As per allegations levelled in the FIR, the alleged recovery of 80 gms. *heroin* was effected from the petitioner which is non-commercial. The bail petition of the petitioner has been dismissed by the trial Court only on the ground that a number of cases are pending against him, whereas, out of total seven cases, the petitioner is on bail in six cases and in one case of NDPS, the sentence is 1½ months which he has already undergone. The petitioner is in custody since 28.08.2018. All witnesses are the official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence.

Learned State counsel has not disputed the custody period; the

alleged recovery and also the status of cases.

By considering the custody of the petitioner since 28.08.2018; the recovery which is non-commercial and also the fact that he is on bail in all the cases except in one case under the NDPS Act, where he is a convict but has undergone the sentence, which is only 1½ months, the present petition is allowed and petitioner, namely, Jasvir Singh @ Jassi is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

05.02.2019
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No