

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

**CRM-M No. 30297 of 2019
Date of Decision:-21.11.2019**

Jasmail Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Jasmail Singh @ Kala has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 201 dated 02.9.2017, under Sections 15 and 25 of NDPS Act, registered at Police Station Sangat, District Bathinda. The petitioner is in custody since his arrest on 25.10.2018.

As per FIR, on 01.9.2017, when the police party was on patrolling duty in the area of village Kot Guru, Mohallan, then at about 09:30PM a vehicle was seen coming and got stopped for checking. Then two persons after getting down from the vehicle, due to darkness, succeeded in fleeing away in cotton fields on the sides of the road. On checking of

the vehicle, five plastic bags of poppy husk were found lying on rear seat and six plastic bags of poppy husk, on which 'Ever Star' was written, were found lying in the dicky of the vehicle. On weighment, it was total found to be 155 kilograms.

Learned counsel for the petitioner contends that the alleged contraband i.e. 155 kilograms of poppy husk was recovered from the vehicle bearing registration No.PB-19P-6068 (actual number), which was stopped for checking. However, before the officials could reach the vehicle, the occupants took advantage of darkness and escaped. Learned counsel submits that the alleged recovery of contraband was effected on 02.9.2017 and the petitioner was arrested on 25.10.2018. According to him the only piece of evidence relied upon by prosecution against him is the alleged extra judicial confession, suffered by the petitioner before witness Roshan Lal, which may not be enough to connect the petitioner with the crime. He submits that considering the custody of one year and six months, the concession of regular bail be extended to him.

On the other hand, learned State counsel, who is assisted by ASI Arjun, has opposed the prayer. However, he does not dispute this fact that the petitioner was indicted on the basis of extra judicial confession suffered by him before Roshan Lal. He submits that out of total sixteen prosecution witnesses, five witnesses have been examined by the prosecution.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping

in view the custodial period of the petitioner, his further custody may not be justified. 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, Bathinda.

The petition is allowed.

November 21, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No