

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

231)

CrI. Misc. No.M-35156 of 2019 (O&M)

Date of Decision: 08.11.2019

Jaswinder Singh @ Ranjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashok Kumar Khunger, Advocate, for the petitioner.
Mr. B.S. Sewak, Addl. Advocate General, Punjab

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail'.

On 25.09.2019, the following order had been passed:-

“A reply by way of an affidavit of Sh. Gurjeet Singh Brar, PPS, Deputy Superintendent, Central Jail, Faridkot, has been filed in Court today by learned State counsel, which is taken on record. A copy thereof has been given to learned counsel for the petitioner.

As per the report of the Medical Officer of the said jail, the petitioner is stated to be “a known case of Category 1 of Pulmonary Tuberculosis and is regularly taking medicine under DOTS program since 10.04.2019 and is not on continuation phase.”

However, as regards any diabetes suffered by him, no medical record in that regard is available with the jail authorities.

As per the case of the prosecution, the petitioner is stated to have been found with 05 grams of heroin, the commercial quantity being above 250 grams.

However, though it is not reflected in the custody certificate filed in Court along with the affidavit of the aforesaid officer, learned State counsel on instructions from the police official who is present in Court today to assist him, submits that as a matter of fact, the petitioner

had been convicted for a similar offence earlier, with a sentence to 10 years imprisonment imposed on him, and that another case under Section 15 of the NDPS Act has also been registered against him.

A proper custody certificate showing all other criminal cases registered against the petitioner be filed in Court by the next date of hearing.

Adjourned to 31.10.2019.”

Today, learned State counsel has filed in court an affidavit, i.e. 'affidavit of custody', of Sh. Rajdeep Singh Brar, PPS, Deputy Superintendent, Central Prison, Faridkot, in which only the FIR concerned in the present case is shown to be registered against the petitioner, with no other criminal case shown to be registered against him.

That being so and only 5 grams of heroin allegedly stated to have been recovered from him, with him having been in custody for the past 3 months, with the trial nowhere near conclusion as yet, I deem it appropriate to admit the petitioner to bail during the pendency of the trial, the quantity recovered from him admittedly being small quantity.

Consequently, this petition is allowed. The petitioner would be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial Court.

08.11.2019
vcgarg

(Amol Rattan Singh)
Judge

Whether reasoned/speaking: Yes
Whether reportable: No