

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

**Criminal Misc. No. M-46949 of 2018
Date of decision: 24.01.2019**

Jaswinder Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Deepak Goel, Advocate for
Mr. Vivek Goel, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.153 dated 19.07.2017 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Baghapurana, District Moga.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. No recovery was effected from the petitioner in presence of any Gazetted Officer or Magistrate. Even no independent witness was joined at the time of recovery. Learned counsel further submits that mandatory provisions of Sections 50, 52, 52-A, 55 and 57 of the NDPS Act have not been complied with. The alleged recovery is 56 kgs of poppy husk, which is marginally more than the non-commercial quantity. Learned counsel also submits that co-accused of the petitioner, namely, Dharam Singh @ Moni has been released on regular bail by this Court vide order dated 18.09.2018 passed in CRM-M No.13890 of 2018. The petitioner is in custody for the last

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approximately one year and six months. The trial may take long time to conclude and no purpose would be served by keeping the petitioner in custody. All the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. No other case of NDPS is pending against the petitioner.

Learned State counsel has not disputed the custody period; release of co-accused on regular bail as well as the fact that no other case of NDPS Act is pending against the petitioner but one FIR of the year 2009 under Section 420 IPC etc. is pending against him and the offence is triable by the Magistrate.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner that the petitioner is in custody for the last approximately one year and six months; co-accused-Dharam Singh @ Moni has been released on regular bail by this Court; all the witnesses are official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence; trial may take long time to conclude and no purpose would be served by keeping him in custody, the present petition is allowed and the petitioner (Jaswinder Singh) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

24.01.2019
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No