

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10862-2020

Date of Decision: 06.07.2020

Jasbir @ Jassi

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sushil Sheoran, Advocate, for the petitioner.

Mr. Pardeep Chahar, Deputy Advocate General, Haryana.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. for grant of 'regular bail' to the petitioner upon FIR no. 468 dated 06.10.2019, having been registered at Police Station Tosham, District Bhiwani, for the alleged commission of offences punishable under Section 20 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that the petitioner has been in custody for about 09 months, with not a single prosecution witness having been examined so far and with the quantity of contraband allegedly recovered from him (220 grams of 'Charas'), being well below commercial quantity and slightly above small quantity.

He further submits that though there were other criminal cases registered against the petitioner, however, he was acquitted in a large number of them and that they were all for having committed theft etc.

Learned counsel for the State submits that the petitioner being a habitual offender, though this is the first case registered under the provisions of the NDPS Act against him, he does not deserve the concession of bail.

Having considered the matter, since the petitioner has been in custody for the past 09 months, with not a single prosecution witness examined so far, possibly due to the current pandemic and the quantity of contraband alleged to have been recovered from him being well below commercial quantity, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

July 06, 2020
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes/No
Yes/No.