

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CRM-M-24153 of 2020 (O&M)
Date of decision: August 28, 2020

Jagsir Singh @ Jaggi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rajesh Nain, Advocate for the petitioner.
Mr. K.K. Chahal, Addl. Advocate General, Haryana.
Ashok Kumar Verma, J.

Case taken up through Video Conferencing.

CRM-20744-2020:

This application is filed under Section 482 Cr.P.C. for exemption from filing the certified as well as true typed copies of Annexure P-1 and vernacular copy of FIR. Application is allowed as prayed for.

CRM-M-24153-2020:

This is a first petition under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under Section 188 IPC, Section 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as “the NDPS Act”) (Section 31 of the NDPS Act added later on) and Section 51(b) of Disaster Management Act, 2005 at Police Station City Tohana, District Fatehabad, vide FIR No.236 dated 01.06.2020.

Learned counsel for the petitioner submits that petitioner has been implicated in a false case. The petitioner has been in judicial custody since 01.06.2020. He also submits that challan has already been presented, yet the

report of FSL is still awaited. As per allegations 35.50 grams of opium was recovered from the petitioner which is marginally above the small quantity.

On the other hand, learned State counsel has opposed the prayer for grant of bail. He submits that FSL report has not yet been submitted before the trial court and thus, the petition deserves to be dismissed.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

As per allegations against the petitioner, 35.50 grams of opium was recovered from the petitioner which is marginally above the small quantity. He has been incarcerated since 01.06.2020. Challan has already been submitted before the trial court. Having regards to the totality of the facts and circumstances of the case and the quantity of the contraband recovered from the petitioner and the fact that due to COVID-19, trial of the case is not likely to be concluded in the near future, I am of the considered view that no fruitful purpose will be served by keeping the petitioner behind the bars. Accordingly, the present petition is allowed and petitioner Jagsir Singh @ Jaggi is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the concerned trial court/Chief Judicial Magistrate, Fatehabad.

(ASHOK KUMAR VERMA)
JUDGE

August 28, 2020
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No