

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-32184 of 2020

Date of Decision: October 16, 2020

Jaspreet Singh @ Jassi

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent: Mr. Arshdeep Singh Brar, Advocate
for the petitioner

Mr. Amit Mehta, Sr. DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 229 dated 06.11.2018 registered under Section 22 of the NDPS Act, 1985 at Police Station Maur, District Bathinda.

Learned counsel for the petitioner submits that the petitioner has been in custody for almost two years. The trial may still take some time to conclude as 4 more PWs remain to be examined and on account of the ongoing COVID-pandemic the trial Courts are not functioning to full capacity. There is no other criminal case pending against the petitioner. Similarly situated co-accused Gurlabh Singh has been granted regular bail by this Court vide order dated 09.10.2020 passed in CRM-M-21951-2020. Thus, the petitioner may also be granted regular bail.

Custody certificate dated 15.10.2020 has been produced in the Court. The same is taken on record. According to this custody certificate, the petitioner has undergone actual custody of 1 year, 11 months and 8 days and there is no other

Learned State counsel concedes that 4 more PWs remain to be examined.

The recovery in this case is of commercial quantity of contraband. Thus, in view of the fact that there is no other criminal case pending against the petitioner, it can be safely inferred that he will not indulge in another offence under the NDPS Act, 1985 if he is granted regular bail. But, no infirmity in the investigation/prosecution has been pointed out and, thus, I cannot return a finding that the petitioner is likely to be acquitted. However, it is admitted that similarly situated co-accused Gurlabh Singh has been granted regular bail by this Court vide order dated 09.10.2020 passed in CRM-M-21951-2020. Thus, on the principle of parity the petitioner also deserves to be granted regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 16, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No