

JASDEEP SINGH @ KOKI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)***VIVEK PURI, J. (ORAL)**

Custody certificate of the petitioner has been circulated through
e-mail today and the same is taken on record.

Jasdeep Singh @ Koki-petitioner is seeking regular bail in the case
bearing FIR No. 138 dated 10.10.2019 under Sections 21/25 of NDPS Act, 1985
and Sections 25/27 of Arms Act, 1959, registered at Police Station Doraha,
District Ludhiana.

Briefly, the FIR has been registered on the basis of secret information
to the effect that the petitioner along with the co-accused are indulging in sale of
heroin and carrying the same in a car. Accordingly, a naka was raised. Petitioner
along with Sukhwinder Singh @ Soni @ Boxer and Vishal Kumar @ Kaka @
Bidi were apprehended. 260 grams of heroin along with a pistol .32 bore, two
magazines with 10 live cartridges and one pistol .9 mm along with 6 live

It has been argued by the learned counsel for the petitioner that the quantity of heroin recovered in the instant case is marginally above the commercial quantity, no arm or ammunition was recovered from the petitioner at the spot, two live cartridges of 12 bore, one pistol .32 bore and four live cartridges of .32 bore were recovered subsequently in pursuance of the disclosure statement of the petitioner, the recovered weapons are the licensed arms belonging to the father and brother-in-law of the petitioner, he is in custody for a period of 1 year, 10 months and 27 days and no witnesses has yet been examined.

The learned State counsel has opposed the bail application on the score that the quantity of contraband falls in the category of commercial quantity and the car carrying the contraband was being driven and is the ownership of the petitioner. It has further been stated that out of 22 witnesses none has been examined so far.

It is significant to note that the petitioner along with two co-accused were travelling in the car from which the contraband has been recovered. The quantity of heroin recovered from the joint possession is marginally above the commercial quantity. This aspect of the case is also to be looked into in conjunction with the fact that the petitioner is in custody for a period of 1 year, 10 months and 27 days and furthermore, the custody certificate indicates that he is not involved in any other case much less under NDPS Act. In such circumstances, the rigours of Section 37 of NDPS Act can be relaxed. Moreover, the recovered weapons are licensed one, there is no allegation with regard to the use of such weapons by any of the accused, out of 22 witnesses none of the witnesses has been examined so far and the trial of the case is likely to take sometime as there was restricted hearing of Courts due to Covid-19 Pandemic. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient

petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

10.09.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No