

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

**CRM-M-9828-2019(O&M)
Date of Decision: 23.02.2021**

Jarnail Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Paadam Kant Dwivedi, Advocate for
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for the release of the petitioner on regular bail in case FIR No.0088 dated 06.10.2018 under Sections 21, 22 of NDPS Act at Police Station Sadar Moga.

Learned counsel for the petitioner herein would contend that he has been falsely implicated in the said FIR by showing a recovery of 4 grams heroin which is less than the small quantity and the other recovery is of 260 grams of Tramadol which is marginally higher than what would constitute commercial quantity of 260 grams. Counsel would contend that as per the custody certificate itself, he has been acquitted in three matters pertaining to the NDPS Act, whereas has been acquitted with Rs.1,000/- fine in one matter and his sentence was suspended in another FIR. It is also argued that he has been in custody since 06.10.2018 and the trial is not proceeding.

Learned counsel appearing on behalf of the respondent-State vehemently opposes the bail application, however, he does not dispute the fact that he has been acquitted in three matters.

Without going into the merits of the case and keeping in view the fact that the trial is likely to take some time to conclude, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

23.02.2021

ps-I

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No