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

CRM-M No.18145 of 2021 (O&M)

Decided on: 11.11.2021

Jaipal Sharma

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Manpreet Ghuman, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.138 dated 17.10.2020, for offence punishable under Sections 22 and 29 of the NDPS Act, registered at Police Station City Julkan, District Patiala.

Counsel for the petitioner has argued that as per the allegations in the FIR, the police received a secret information that the petitioner Jaipal Sharma along with one Rahul Sharma, are indulged in sale of narcotic tablets and they can be apprehended along with the narcotic substances. Thereafter, the information was sent to the Police Station and the police party arrested Rahul Sharma and recovered 23,330 intoxicant tablets of TRAMADOL from him.

Counsel for the petitioner has further submitted that though the petitioner was named in the secret information, however, he was not arrested at the spot and was later on, arrested on 23.10.2020 and since then, he is in custody and even after his arrest, no recovery of narcotic

substance was effected. It is further submitted that the petitioner is not involved in any other case as in one case registered in the year 2007, he already stands acquitted. Lastly, it is submitted that charges have been framed, however till date, no prosecution witness has been examined.

Counsel for the State has not disputed the factual position that the petitioner is in custody for the last 01 year and 17 days. It is also not disputed that the petitioner was not arrested at the spot and recovery was effected from the co-accused Rahul Sharma, who is son of the petitioner.

Without commenting anything on merits of the case, considering the fact that the petitioner is not involved in any other case under the NDPS Act; he was not arrested at the spot and even after his arrest, no recovery was effected from him and he is not facing any other trial under the NDPS Act; charges have been framed; no PW has been examined so far and conclusion of the trial is likely to take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

11.11.2021	(ARVIND SINGH SANGWAN)
<i>yakub</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No