

215

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.25245 of 2021 (O&M)

Date of decision: 09.07.2021

Jasvir Singh @ Jassi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Akshay Rana, 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.84 dated 23.11.2020, for offence punishable under Sections 22 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Aur, Tehsil Nawanshahr, District SBS Nagar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the police while on petrol duty noticed a black colour scooty, which was driven by a lady and a person was sitting on a pillion. On seeing the police party, the lady became panicked and tried to turn back the scooty and in that process, it slipped and both of them fell down. Thereafter, the Investigating Officer enquired about their identities. The lady driver of the scooty, disclosed her name as Meena @ Beena, wife of Manga Ram whereas the pillion rider of the scooty,

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disclosed his name as Jasvir Singh@ Jassi i.e. the petitioner. Upon suspicion, the Investigating Officer searched the scooty and from the tool box i.e. dicky of the scooty a white coloured bag containing 13 intoxicant injections of AVIL without labels were recovered. It is further submitted that later on, both the petitioner and the aforesaid accused were arrested on the premise that they are found in possession of 13 intoxicant injections without any licence. It is also submitted that the petitioner is the first offender and he is not involved in any other case. It is also argued that the scooty, which was driven by the co-accused Meena @ Beena is the owner of the scooty and the petitioner is was only a pillion rider and therefore, it will be a moot point to be decided during the course of trial whether the petitioner was found in possession of the contraband, which was recovered from the dicky of the scooty.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 01 year; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, 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

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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.

**(ARVIND SINGH SANGWAN)
JUDGE**

09.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No