

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31829-2021

DATE OF DECISION: AUGUST 13, 2021

JASBIR SINGH @ JASSI SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MIKHAIL KAD, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.12 dated 6.2.2020, under Section 22,29 NDPS Act, Police Station Dharamgarh, District Sangrur. The petitioner is in custody since his arrest on 6.2.2020.

The FIR was registered on the basis of secret information and the allegations as noticed by the learned Judge, Special Court, Sangrur in the order dated 09.02.2020 are as under:

“The allegations against the accused are that on 06.02.2020 while ASI Hardeep Singh along with other police party was present on Jakhepal Road near Patrol Pump Dharamgarh in connection with on patrolling duty, a secret information was received against accused Shiv Kumar @ Soni that he is habitual of selling intoxicant tablets and accused Jasbir Singh @ Jassi Singh supplies the same to him. Hence, ruqa was sent to the police station for registration of FIR. On the basis of secret

information, accused Shiv Kumar @ Soni was apprehended and 50 strips of Clovidol-100SR each strip containing 10 tablets i.e. 500 tablets were recovered from him. On the same day, i.e. 06.02.2020 accused Jasbir Singh @ Jassi Singh was also apprehended by the police and 49 strips of Clovidol-100SR each strip containing 10 tablets i.e. 490 tablets were recovered from him.”

Learned counsel for the petitioner has argued that 490 tablets of Clovidol-100SR were recovered from the petitioner and the said quantity is below the commercial quantity and as the co-accused of the petitioner has been released on bail, the petitioner also deserves the similar concession. According to him, the concession of interim regular bail granted to him by the trial Court to await the FSL report was never misused by him. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Gursewak Singh does not dispute this fact that the case of the petitioner is at par with his co-accused and the concession of interim regular bail was not misused by the petitioner. According to him, though the charges have been framed, but the prosecution is yet to examine its witnesses.

Considering the above background, custody of the petitioner and the fact that in total there are 12 prosecution witnesses to be examined, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined

in judicial custody after his arrest on 06.02.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

August 13, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No