

106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15822-2021 in/and
CRM-M-40087-2020
Date of Decision: 06.07.2021

Mukesh Jaat

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajbir Singh, Advocate for applicant-petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-15822-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today itself.

CRM-M-40087-2020

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.24 dated 24.03.2019, under Sections 18/25 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Rampura, District

Bathinda. He is in custody since his arrest on 24.03.2019.

As per prosecution, three persons, namely, Amandeep Singh @ Sunny, Jaswinder Singh @ Sandhu and Mukesh Jaat were apprehended along with car Swift of white colour bearing No.PB03-AF-3838 and total 10 kgs of opium was recovered from the conscious possession of accused persons.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the police has wrongly shown the recovery from him as mentioned in the FIR, as he was picked up from his house on 23.03.2019 between 12 noon to 3:00 p.m. In this regard, he has placed reliance upon a CCTV footage. It is pointed out that the charges have been framed on 05.11.2019 and only three prosecution witnesses have been examined so far out of total eleven prosecution witnesses, therefore, further custody of the petitioner is not justified. It is prayed that the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Darshan Singh, has opposed the prayer on the ground that the petitioner was found in possession of 5 kgs of opium, which was found in his exclusive possession. According to him, other 5 kgs was recovered from the other two accused persons, who were travelling with him in the same vehicle. He has pointed out that the prosecution has examined three witnesses. Therefore, the petitioner does not deserve the concession of regular bail.

After hearing the learned counsel for the parties, considering the above background, this Court is of the opinion that the reliance placed by the petitioner upon the CCTV footage is a subject matter of trial and the prosecution is in the process of discharging the onus. As per prosecution,

the petitioner was arrested for possessing 5 kgs of opium with him. Since the trial is in progress and three prosecution witnesses have been examined out of total eleven witnesses, therefore, considering the seriousness of the offence, no case is made out for grant of regular bail to the petitioner at this stage.

Consequently, the petition is dismissed.

06.07.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No