223 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2775-2022
Date of decision : 11.05.2022

Jaswant Singh @ Bhola **....Petitioner**

Vs.

State of Punjab **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ankur Bansal, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

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MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.62 dated 14.06.2021 registered under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on) at Police Station Bholath, District Kapurthala, who is in custody since his arrest on 14.06.2021.

The allegations in the FIR as noticed by the learned Special Judge, Kapurthala, in the order dated 06.12.2021 are as under:-

> *"As per version of FIR, applicant/accused was apprehended on 14.06.2021 when he thrown one envelope on the ground while seeing the police party headed by Jasbir Singh SI. Lateron recovery of 168*

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> *capsules of Proxywel Spas, 350 tablets of Alprazolam.05 mg and 100 tablets of Celcidal-100 SR Tramadol were recovered from the envelope thrown on the ground by applicant/accused. Lateron, during investigation in pursuant to his Raman Kumar, Judge, Special Court, Kapurthala. UID No.PB0183 3 Jaswant Singh @ Bhola Vs. State of Punjab disclosure statement applicant/accused also got recovered 176 tablets of Proxywel Spas Tramadol, 720 intoxicant tablets of Alprazolam.05mg and 500 tablets of Celcidal-100-SR Tramadol from his house. He also got recovered drug money of 4,71,000/- from his house."*

Learned counsel for the petitioner has argued that as per FIR, initial recovery was effected at one minute past mid night on 14.06.2021, but the ruqa was sent at 07.40 p.m. He further submits that subsequently, 350 tablets of Alprazolam and 100 tablets of Celcidal-100 SR Tramadol were also recovered, whereas the FIR was registered at 09.20 p.m. According to him, the petitioner has been falsely implicated, who is not involved in any other case of similar nature, therefore, he be released on regular bail as the investigation of the case is complete.

On the other hand, the prayer is opposed by the learned State counsel, who is assisted by ASI Ravinder Singh on the ground that the recovered contraband is more than the non commercial quantity, therefore, he does not deserve the concession of regular bail, however, it is not disputed that the final report stands filed on 13.12.2021 against the petitioner, but the charges are yet to be framed.

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After hearing learned counsel for the parties, considering the above background, this Court finds that as per the custody certificate dated 31.03.2022 filed by way of affidavit of Hemant Sharma PPS, Additional Superintendent Central Jail, Kapurthala, petitioner is in custody for the last nearly one year, who is not involved in any other case of similar nature, therefore, further detention of the petitioner may not serve any useful purpose, as the trial is likely to consume the considerable time, which is yet to commence. Apart from it, the material witnesses are police officials, so there does not seem to be any possibility of their being won over.

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

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

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

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