

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

210

CRM-M-3480-2022

Date of decision: 02.02.2022

JASPAL SINGH ALIAS JASSA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 247 dated 02.11.2021 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Tanda, District Hoshiarpur.

As per the prosecution version, on 02.11.2021 the police party was on patrol duty on their private vehicles and when they reached near Focal Point, Dhaidala, they found one truck standing on the Focal Point. On seeing the police party, the petitioner who was in the said truck alighted from the truck and tried to slip away. The petitioner was apprehended on the basis of suspicion. On search, 30 Kg poppy husk containing in two plastic bags of 15 Kg each was recovered

from backside of driver seat of the truck and case under the NDPS Act was registered against the petitioner.

The petition has been opposed by learned State Counsel. However, no reply has been filed on behalf of respondent/State.

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. False recovery has been planted upon him. Mandatory provisions of the NDPS Act were not complied with. No independent witness was jointed at the time of alleged recovery. The petitioner is neither the owner nor the driver of the truck from which the alleged recovery has been effected and the petitioner had only taken lift in that truck. The petitioner is in custody since 02.11.2021. The petitioner is not involved in any other case under the NDPS Act. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having committed serious offence. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Having considered the facts and circumstances of the case, nature of accusation, petitioner not involved in any other case under the

NDPS Act, custodial interrogation of the petitioner not required and the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19 but without expressing any opinion on the merits of case, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No