

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

CRM-M No.7056 of 2022

Date of Decision: 14.07.2022

Jatinder Kumar

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G, Punjab.

MEENAKSHI I. MEHTA, J.(Oral)

By way of the instant petition, the petitioner has made second attempt to seek the relief of regular bail in the criminal case arising out of the FIR bearing No.170 dated 01.06.2021 registered at Police Station Tripri, District Patiala, under Sections 20 and 18 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 42-A and 52-A of the Prisons Act, 1894 as his first bail petition bearing **CRM-M No.28823 of 2021** had been dismissed by this Court vide order dated 28.07.2021.

2. Bereft of unnecessary details, the allegations levelled against the petitioner in the subject FIR, are that he was working as VC Operator in Central Jail, Patiala and the checking of his tiffin-box resulted in the recovery of 08 (eight) pouches of 'Zarda' and a packet containing 35 grams 'Sulpha' and his personal search led to the recovery of 50 grams 'Opium' as kept in his undergarment and one mobile phone as well and on being

enquired, he disclosed that these articles were meant for being supplied to the convict-prisoner named Charan Singh.

3. Short reply has already been filed on behalf of the respondent-State.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that after the dismissal of the first petition moved by the petitioner for seeking the relief of regular bail, the investigation has been concluded and the Challan has been presented in the Court and moreover, the petitioner is not involved in any other case of the similar nature and even otherwise, the quantity of both the contrabands, as allegedly recovered from the possession of the petitioner, does not fall within the category of 'commercial quantity' and in these circumstances, he deserves the relief as prayed for in the instant petition.

6. Learned State counsel does not dispute the above-referred factual position.

7. It is pertinent to mention here that the afore-mentioned first petition as moved by the petitioner for seeking the relief of regular bail, had been dismissed while specifically observing that the investigation proceedings were continuing at that time and the Challan had not been submitted.

8. Keeping in view the afore-discussed facts and circumstances

and also the facts that now, the Challan has already been presented in the competent Court and that the petitioner is in custody in this case since 04.06.2021, i.e for the last more than 13 months and that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the case, the petitioner named Jatinder Kumar is ordered to be released on regular bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. The instant petition stands allowed accordingly.

July 14, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*