

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18733-2021 (O&M)
Date of decision: 05.04.2022

Jaskaran Singh @ Karan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Madaan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.21 dated 30.01.2021 under Section 22/61 of NDPS Act, registered at Police Station Lalru, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of ASI Jagtar Singh, while on patrol duty, a young man was seen coming having a backpack on his shoulder. On seeing the police party, he became perplexed and started walking towards unmetaled road.

On suspicion, the petitioner was apprehended and he disclosed his name as Jaskaran Baggan @ Karan. Thereafter, a ruqa was sent to the police station for registration of FIR and DSP was called at the spot and in his presence, 290 injections of Buprenorphine having DA 193, Manufacturing date and expiry date, were recovered. Thereafter, a parcel was sealed with seals R.S. & G.S. and the petitioner was produced before the Illaqa Magistrate under Section 52-A of NDPS Act and the sample parcel was opened and it was resealed with seal of Magistrate as J.S.

It is argued that as per FSL report, there is no mention of batch number, date of manufacturing or date of expiry, which raises a suspicion about the investigation and sending the sample parcel. It is further argued that the parcel was received by the FSL, after 04 days of preparation of report under Section 52-A of NDPS Act by the Illaqa Magistrate. Learned counsel also submits that the petitioner is in custody for the last 01 year and 02 months; he is not involved in any other case and out of total 11 prosecution witnesses, only 02 PWs have been examined so far, therefore, it will take some time in conclusion of the trial.

Learned State counsel has filed the custody certificate dated 04.04.2022 in the Court today and on the basis of FSL report, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and

circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

05.04.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No