

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

CRM-M-17807-2022 (O&M)

Date of decision: 22.08.2022

Jasbir Singh @ Laddi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Karnail Singh Ahhi, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.126 dated 11.12.2020, registered at Police Station Mattewal, Amritsar Rural, District Amritsar, under Section 22 NDPS Act, 1985.

Status report dated 29.07.2022 filed on behalf of the respondent-State is already on record.

As per the prosecution version, the recovery of 1030 intoxicant tablets was effected from the petitioner.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that wife of the petitioner-Sharanpreet Kaur moved applications to the Sarpanch and the Incharge, Police Post Sathyala, qua the missing of her husband; that his wife also informed his brother and mother about the same, who arrived at Amritsar

from Calcutta, via a flight, on 11.12.2020 and that the petitioner is not involved in any other case.

Learned counsel further submits that ASI Hardeep Singh, while stepping into the witness-box as PW-2 on 06.05.2022, stated that a notice under Section 50 NDPS Act was given to the accused; that however, the learned defence counsel raised an objection that the portion of giving notice was beyond the version of the prosecution and the same did not find any mention in the report under Section 173 Cr.P.C., that rather, the aforesaid notice under Section 50 NDPS Act was produced before the trial Court by PW-2 ASI Hardeep Singh at time of his deposition only, and that the trial Court had kept open the aforesaid objection. On this premise, the learned counsel prays that the petitioner be released on bail. Moreover, the petitioner has been in custody since 11.12.2020.

In support of his contentions, he relies upon the orders delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5769-2022, titled as 'Nitish Adhikary @ Bapan Vs. State of West Bengal', on 01.08.2022, and Special Leave to Appeal (Crl.) No.4173-2022, titled as 'Shariful Islam @ Sarif Vs. State of West Bengal', on 04.08.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that as per the report of the FSL, Tramadol Hydrochloride 95.10 mg in each tablet was found. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

After investigation, the charges have been framed. The conclusion of trial would take time. The petitioner has been in custody since 11.12.2020. There is no other case registered or pending against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

22.08.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No