

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213

CRM-M-18651 of 2022

Date of Decision: 07.09.2022

Joban Singh

....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Nirmal Preet Singh Hira, Advocate
for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.382 dated 27.10.2021, under Sections 20-A, 29 of the NDPS Act and Section 42 of the Prison Act, registered at Police Station Islamabad, Amritsar.

It has been stated by the learned counsel for the petitioner that the petitioner is in custody for the last 7 months and the alleged recovery was effected from the co-accused of the petitioner and it was only 15 grams of Charas and has submitted that his name has been nominated on the basis of disclosure statement and hence the petitioner deserves the concession of regular bail and especially in view of the fact that even the recovered quantity was not a commercial quantity.

On the other hand, learned Senior Deputy Advocate General, Punjab, on instructions from ASI Sukhdev Singh has stated that it is the case where the

petitioner was the Jail Warder and the allegations against him are that he had supplied the Charas to the co-accused and the petitioner is also involved in two more cases under the NDPS Act wherein similar allegations have been levelled against him. He further submitted that the petitioner being a Jail Warder had indulged in the activities of supplying intoxicant substance in the jail and therefore the seriousness of the matter is of high magnitude. He therefore vehemently opposed the grant of bail on this ground as well.

I have heard the learned counsel for the parties.

Although the petitioner is in custody for the last seven months but as per the learned State counsel, the petitioner is a Jail Warder and two more cases under the provisions of NDPS Act are registered against him.

Therefore, considering the fact that the allegations against the petitioner who is a Warder in jail pertain to drug trafficking in jail itself, this Court is of the view that the petitioner does not deserve the concession of regular bail and consequently finding no merit, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 07, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No