

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

CRM-M-37457 of 2021

DATE OF DECISION :- February 03, 2022

Jaspal Singh @ Jassa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Parminder Singh, Advocate for the petitioner.

Mr. S.S. Pannu, DAG, Haryana.

This is the second petition for regular bail filed by petitioner—Jaspal Singh @ Jassa—an accused in FIR No.85 dated 24.3.2021, under Section 15 of NDPS Act, 1985, registered with Police Station Nissing, District Karnal. The first similar petition filed by him bearing CRM-M-20258-2021(O&M) having been dismissed on 28.7.2021.

Briefly stated, the facts of the case as per prosecution story are that on 24.3.2021 when apprehended by the police party from Police Station Nissing headed by SI Subhash Chand, petitioner/accused Jaspal Singh @ Jassa was found in possession of 3 kgs. 500 gms. of poppy-husk. The search of the petitioner/accused had been conducted in presence of a gazetted officer. The recovered contraband was taken into possession after drawing samples therefrom. After registration of the FIR, the investigation in the case had started. The petitioner had approached the Court of Sessions at Karnal by filing an application for regular bail, which was assigned to learned Additional Sessions Judge, Karnal, who dismissed the same vide

order dated 10.5.2021.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Although, as per reply filed on behalf of the State, on completion of investigation challan has been filed against the accused but as informed by the State counsel, the charge is yet to be framed. It being so, the conclusion of trial is likely to take considerable time especially when the functioning of the Courts has been adversely effected on account of breaking out of third wave of Covid pandemic. The petitioner is behind bars since 24.3.2021. The recovery involved in this case is not very high rather it is 3 Kg 500 gms of poppy husk. Though the first petition was dismissed noticing that the petitioner is involved in three more criminal cases, two under provision of NDPS Act and one under 323/325 of IPC but then adequate terms and conditions can be imposed to ensure that he does not indulge in similar activities again.

Thus without going into merits of the case, I find that the petition deserves to be accepted and it is hereby allowed. Petitioner Jaspal Singh @ Jassa is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Karnal subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.

- (v) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

February 03, 2022
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No