

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

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CRM-M-38155-2022 (O&M)
Date of decision : 12.12.2022

Jaswinder Singh @ Gora

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. B.S. Aulakh, Advocate
for the petitioner.

Mr. Joginder Singh Ratra, Senior D.A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-41923-2022

Prayer in the present application filed under Section 482 of the Code of Criminal Procedure, 1973 is for preponing the date of hearing fixed in the main case.

Since the main case is already listed today, the present application has become infructuous.

Disposed of as having become infructuous.

CRM-M-38155-2022

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.80 dated 01.05.2022 registered under Sections 15, 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 323 and 506 Indian Penal Code, 1860 at Police Station Kotbhai, District Sri Muktsar Sahib, Punjab.

Brief facts of the case are that pursuant to written complaint by ASI Nirmal Singh, Sarpanch and Gram Panchayat of village Giljewala, police party raided the house of Harjinder Kaur alias Mango Bhua, Jaswinder Singh @ Gora (the petitioner), Sukhdeep Singh @ Puri and Jagsir Singh @ Mela have been arrested and on search 210 tablets of Calvidol-100 were recovered and from the possession of Harjinder Kaur @ Mango. During interrogation, Harjinder Kaur admitted that they deal in contraband.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Nothing has been recovered from the present petitioner. The petitioner is not involved in any other case under the NDPS Act. Co-accused Jagseer Singh @ Mela has already been granted concession of regular bail by this Court vide order dated 15.09.2022. The petitioner is in custody since 01.05.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present in terms of reply filed by way of an affidavit dated 11.12.2022 of Sh.Jasbir Singh, Deputy Superintendent of Police, Sub-Division Gidderbaha, Sri Muktsar Sahib which is taken on record. Custody certificate dated 10.12.2022 has been filed by learned State counsel in the Court today which is also taken on record. As per the custody certificate the petitioner is in custody since last more than 07 months and he is not involved in any other case.

I have heard learned counsel for the parties and gone

through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that the petitioner is not involved in any other case and parity with co-accused Jagseer Singh @ Mela who has already been granted concession of regular bail by this Court vide order dated 15.09.2022 and also the fact that the trial likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, petitioner-Jaswinder Singh @ Gora is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

12.12.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No