

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 6085-2022 (O&M)
Date of Decision: 20.02.2023

Jaswinder Singh alias Jassi

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 276 dated 05.06.2021, under Sections 21, 22, 25 and 29 NDPS Act registered at Police Station City Barnala, District Barnala, who alongwith the co-accused Babli Kaur is alleged to have possessed contraband of 2000 intoxicant tablets.

Learned counsel for the petitioner contends that the petitioner is in custody since 05.06.2021. He submits that the petitioner has been falsely implicated in the present case as the alleged recovery is the

implanted one. He further submits that challan stands presented on 15.11.2021 and charges have been framed and out of total 18 witnesses only 03 have been examined till date and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in other cases as well. However, he does not dispute the fact that the challan stands presented and the charges have been framed.

Confronted with the same, learned counsel for the petitioner submits that there is no other case pending against the petitioner under the NDPS Act.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 05.06.2021.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the recovery is joint and the challan stands presented and the charges have been framed and trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

20.02.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No