

S. No.211

2023:PHHC:113798

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

CRM-M-15082 of 2023

Date of Decision:31.08.2023

Jajbir Singh @ Jagbir Singh @ Baba

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vipul Jindal, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

By way of present petition filed under Section 439 Cr.P.C., prayer has been made by the petitioner for grant of regular bail in case FIR No.67 dated 27.07.2021 registered under Sections 21(c), 29 of NDPS Act, 1985 and Sections 379 and 411 IPC at Police Station Valtaha, District Tarn Taran.

It is contended by learned counsel for the petitioner that no recovery was effected from the petitioner. As per the prosecution allegations, 260 grams of heroin was recovered from co-accused Satnam Singh who in his disclosure statement initially named one Karandeep Singh to have supplied the contraband to him but in later disclosure statement Satnam disclosed that he also purchased 10 to 15 grams of heroin from Jajbir Singh @ Jagbir Singh @ Baba (present petitioner). Learned counsel further contends that after noticing the afore-said facts, the petitioner was allowed bail by learned Special Judge, Tarn Taran vide order dated 14.03.2022 but in that order, Section 29 of the NDPS Act was not mentioned inadvertently due to which petitioner again applied for bail under Section 29 of the NDPS Act but the same was declined by learned Special Judge

vide order dated 21.09.2022.

Learned State Counsel does not dispute the fact that no recovery has been effected from the petitioner in this case. However, bail petition is opposed on the ground that petitioner is involved in one more case pertaining to NDPS Act. Custody certificate placed on record by learned State Counsel reveals that petitioner is in custody in this case for the last 02 years 18 days. Despite being grant of bail by learned Special Judge vide order dated 14.03.2022, he was not released because of the inadvertent mistake of not mentioning the Section 29 of the NDPS Act.

Having noticed all the afore-said facts but without commenting on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of elarned Chief Judicial Magistrate/ Duty Magistrate concerned.

Disposed of.

August 31, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No