

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

CRM-M-14887-2023

Date of Decision: 29.03.2023

Jasmeet Singh alias Jassi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ankit Gupta, Advocate, for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present second petition is for the grant of regular bail to the petitioner in a case FIR No.85 dated 10.06.2020, registered under Sections 15, 61, 85 of NDPS Act, 1985 at Police Station City Division No.1, District Jalandhar.

As per the facts of the case, on 10.06.2020 when the Police party was on patrolling, they spotted a person at Maqsudan bypass. They stopped a person and on their asking he disclosed his name as Jasmeet Singh @ Jassi (petitioner). He was carrying a plastic bag. On suspicion, he was given offer under Section 50 of the NDPS Act for search of his bag. The police party tried to associate some independent witness from the public, but nobody came forward to join the search. On carrying out the search of the bag being carried by Jasmeet Singh @ Jassi, Chura Paust was recovered which on weighing was found to be 25 kgs in weight. As the petitioner failed to show any licence regarding carrying out the same, the FIR for the offence under Sections 15, 61, 85 NDPS Act was registered and the petitioner was arrested. He approached the learned Special Court, Jalandhar praying for grant of bail, who after hearing both the sides,

allowed the same vide order dated 14.07.2020. The petitioner was regularly appearing before the trial Court, thereafter, on 13.12.2021 he failed to appear before the trial Court and his bail was cancelled. Thereafter, he surrendered before the trial Court on 09.12.2022 and since then, he is behind the bars. The petitioner approached this Court by way of filing CRM-M-1471-2023, however, he withdrew the same with liberty to approach the learned Special Court. The petitioner approached the learned Special Court, Jalandhar for grant of bail, however, the same was declined by the learned Special Court vide order dated 20.02.2023. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that the alleged recovery from the petitioner is 25 Kgs of poppy husk, which is non-commercial quantity. He submits that the alleged recovery is from the public place, however, no independent witness has been joined, thus, the recovery effected is also a planted one on the petitioner and no conscious possession of the same has been proved by the prosecution. He submits that the petitioner was granted regular bail by the learned Special Court vide order dated 14.07.2020, however, as he failed to appear on one day his bail was cancelled. He submits that the petitioner has duly surrendered before the trial Court on 09.12.2022. He submits that the investigation is complete and in the facts and circumstances, the petitioner deserves to be granted bail.

On the other hand, learned State counsel has submitted that though the recovery effected from the petitioner is non-commercial

quantity, however, the petitioner did not obey order of the Court as after having been granted the bail, he failed to appear before the Court and thus his bail was cancelled. He submits that even after having been cancelled his bail, he remained at large for a period of about one year. On instructions from ASI Satwinder Singh, he submits that investigation is complete and charges have been framed. He submits that the petitioner is facing prosecution in one more case registered under Section 379 IPC, however, he is on bail in that case.

Heard.

As per the case of the prosecution, the alleged recovery made from the petitioner is 25 kgs of poppy husk. He was granted regular bail by the learned trial Court vide order dated 14.07.2020, but as he failed to appear before the Court, his bail was cancelled by the learned Special Court vide order dated 13.12.2021. Thereafter, the petitioner surrendered before the Court and since then he is behind the bars. The recovery has been made from the petitioner in a public place and as submitted before this Court no independent witness was joined. As the recovery effected from the petitioner is non-commercial quantity, the provisions of Section 37 of NDPS Act would not be attracted. The investigation is complete and the charges have been framed. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial

Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion
on the merits of the case.

29.03.2023

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No