

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-14610 of 2023

Date of Decision:24.07.2023

Joban Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashish Bansal, Legal Aid Counsel,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. This is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.382 dated 27.10.2021, under Sections 20-A, 29 of the NDPS Act and Section 42 of the Prisons Act, 1894, registered at Police Station Islamabad, District Amritsar.

2. It is submitted by learned counsel for the petitioner that in the present case the petitioner is in custody from 09.02.2022. He submitted that in the present case allegations were against the main accused from whom there was a recovery of 15 grams of Charas which falls in the category of small quantity under the NDPS Act and the FIR was registered under Section 20-A and 29 of the of the NDPS Act read with Section 42 of the Prisons Act, 1894. He submitted that the petitioner has already faced incarceration for about one year and five months and considering the

aforesaid custody, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that it is correct that the petitioner has already faced incarceration for about one year and five months and there was no recovery effected from the petitioner but recovery of 15 grams of Charas was effected from the other co-accused of the petitioner but the petitioner is involved in one more case as well.

4. I have heard learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for about one year and five months. There was a recovery of only 15 grams of Charas from the other co-accused of the petitioner and although the petitioner is involved in one more case as well but considering the nature of offence and custody of the petitioner, the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 24, 2023

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No