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2023:PHHC:059803

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-18647-2022 (O&M)

Date of decision: 27th April, 2023

Jasvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. K.S. Sidhu, Advocate for the petitioner.
Mr. I.S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This is the second petition seeking regular bail in case of FIR No. 71, dated 30th May, 2021, under Sections 21, 22 and 29 (added subsequently) of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Dhanaula, District Barnala.

The earlier petition was withdrawn.

2. The brief facts are that police party acting upon a secret information on 30th May, 2021 apprehended Sukhwinder Singh @ Kala and Jaswinder Singh and 330 grams of *Heroin* was recovered. During interrogation, Jaswinder Singh disclosed that he used to take intoxicants substances from Inderjit Singh. On 1st June, 2021, the police party had taken Sukhwinder Singh @ Kala and Jaswinder Singh for searching Jasvir @ Jassa Singh (petitioner), on their identification he was apprehended, and at his instance 280 grams of *Heroin* was recovered.

3. Learned counsel for the petitioner submits that petitioner is in custody since 1st June, 2021 and no recovery was made from the conscious possession of the petitioner. The contention is that petitioner is not involved in any other case and trial is not progressing at a decent pace.

Further reliance is placed upon the decision of the Supreme Court in

SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla v. The State of Uttar Pradesh, decided on 25th January, 2023.

4. Learned State counsel on instructions from ASI Avtar Singh opposes the prayer of regular bail, however, fairly submits that out of fifteen prosecution witnesses only four witnesses have been examined and petitioner is not involved in any other case under the Act.

5. Without commenting on the merits of the case, considering the custody period, further that though the investigation is complete but conclusion of the trial is likely to take time, the petitioner is not involved in any other case under the Act, no recovery was made from the conscious possession of the petitioner and in similar circumstances, the Supreme Court in ***Dheeraj Kumar Shukla's case (supra)*** granted bail, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. The observations made hereinabove are made only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition is allowed, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

27th April, 2023

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No