

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M No.19602 of 2023
DATE OF DECISION : 31st August, 2023

Jasvir Singh @ Jassa

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. L. S. Sidhu, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of bail pending trial in case FIR No.43 dated 06.04.2017 registered under Section 22/25/61 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sidhwan Bet, District Ludhiana.

2. The counsel for the petitioner has submitted that the case against the petitioner is totally frivolous and concocted one. The petitioner is not involved in the crime as alleged against him. To drag the petitioner in the crime the police have fabricated a recovery of 200 grams of powder allegedly containing alprazolam salt. It is further submitted by counsel for the petitioner that in this case, earlier, the petitioner was released on bail pending trial. Although, the petitioner could not appear on some dates and accordingly the bail granted to him was cancelled, however, even after the arrest, the petitioner has been in custody since 09.02.2022. It is further submitted that out of 10 witnesses cited by the prosecution, only four witnesses have been examined so far. The counsel for the petitioner has relied upon the judgments rendered by the Hon'ble

Supreme Court in the cases of *Nitish Adhikary @ Bapan Vs. The State of West Bengal* vide order dated 01.08.2022 passed in *SLP (Criminal) No.5769-2022*; *Mohd. Muslim @ Hussain Vs. State (NCT of Delhi)*, *2023 AIR (Supreme Court) 1648* and another judgment rendered in *Md. Hasanuzzaman Vs. State of West Bengal & Ors, SLP (Crl.) No.3221 of 2023* vide order dated 04.05.2023. Accordingly, it is submitted that the petitioner deserves to be released on bail pending trial.

3. On the other hand, the counsel for the State, on instructions from ASI Harwinder Singh, has submitted that the quantity of the contraband recovered from the petitioner is commercial in nature. There has been two more cases against the petitioner. In the present case also, earlier, the petitioner had absconded from the process of the court. Therefore, the petitioner does not deserves to be granted bail pending trial. However, it is not disputed that the petitioner is in custody since 09.02.2022 since re-arrest, and that only four witnesses have been examined out of total ten witnesses cited in the case.

4. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

31st August, 2023
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No