

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-32200-2023
DATE OF DECISION: 12th JULY, 2023

Jarnail Singh alias Jelly alias Jelle

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Gurpal Singh Sandhu, 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 Cr.P.C for grant of bail pending trial in case FIR No.322 dated 30.12.2022 registered under Sections 21 (A) of the Narcotic Durgs and Psychotropic Substances Act, 1985 (with offence punishable under Section 27 of the NDPS Act, added later on vide G.D.No.30 dated 30.12.2022), at Police Station City Malout, District Sri Muktsar Sahib.

2. It is submitted by the counsel for the petitioner that the case against the petitioner is totally false, concocted and fabricated. The petitioner is not involved in the crime at all, as alleged against him. It is further submitted that even as per the allegations of the prosecution recovery from the petitioner is only 5 grams of heroin, even that

allegedly from three persons. The petitioner is in custody since 30.12.2022. The investigation of the case is already over. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. Mr. Jaspal Singh Guru, AAG, Punjab, accepts notice on behalf of the respondent-State. Custody certificate of the petitioner has been filed by the learned State counsel today in the Court. The same is taken on record. Learned State Counsel, on instructions from ASI Kulwant Singh, submits that the petitioner is directly involved in the present case. The recovery was effected from the petitioner alongwith other co-accused. The petitioner is habitual offender having been involved in as many as 8 more cases including 2 cases under NDPS Act. However, it is also not disputed that the recovery from the petitioner in the present case is of a small quantity and that the petitioner is in custody since 30.12.2022.

5. In view 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.

12th JULY, 2023
‘dharamvir’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>