

CRM-M-37428-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37428-2022

Date of decision: 03.02.2023

Jaswinder Singh @ Kaka

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. D.N.Ganeriwala, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this fifth petition, the petitioner seeks regular bail in case bearing FIR No.142 dated 01.10.2020, registered at Police Station Dhanaula, District Barnala, under Sections 18 and 25 NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though recovery of 3 kg. opium and drug money of Rs.1,30,000/- had allegedly been effected from the petitioner, yet the fact remains that the petitioner has been in custody since 01.10.2020 and that most of the prosecution witnesses are yet to be examined. In such circumstances, conclusion of the trial would take a long time. Learned counsel further submits that after expiry of the period of interim bail, the petitioner had surrendered within the stipulated period.

Learned counsel for the petitioner further submits that the petitioner has since been acquitted in four other cases registered against

CRM-M-37428-2022

him and that there is no other case pending against the petitioner, at least of a similar nature. In support of his contentions, learned counsel for the petitioner relies upon the order delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.3400/2022, titled as 'Abul Hossain Mondal Vs. State of West Bengal, on 21.10.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the contraband recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. Learned counsel further submits that the petitioner is a habitual offender and that as many as four other FIRs had been registered against him. However, learned State counsel does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

After investigation, challan was filed and thereafter, the charges were framed. 11 prosecution witnesses are yet to be examined and there is no likelihood of completion of trial in the near future. The petitioner has been in custody since 01.10.2020. There is no other case pending against the petitioner, at least of a similar nature. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. As stated above, after expiry of the period of interim bail, the petitioner had surrendered within the stipulated period. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

CRM-M-37428-2022

allowed and the petitioner is ordered to be released on bail on his
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

03.02.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No