

CRM-13704-2023 in/and
CRM-M-40673-2022

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2023:PHHC:057238

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106+221

CRM-13704-2023 in/and
CRM-M-40673-2022

Date of Decision: 24.04.2023

Jaspreet Singh @ Bonu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. P.S. Sekhon, Advocate for the applicant-petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-13704-2023

Application is allowed as prayed for.

Copy of order dated 01.12.2022, passed by learned Judge,
Special Court, Sangrur, is taken on record as Annexure A-1, subject to
all just exceptions.

CRM-M-40673-2022

Custody certificate dated 21.04.2023 filed by learned
counsel for the State is taken on record.

The petitioner has filed the present second petition under
Section 439 Cr.P.C., for grant of regular bail in case FIR No. 158 dated
15.12.2021 registered under Sections 22 and 29 of the NDPS Act at
police Station Sadar Sangrur, District Sangrur.

According to the prosecution story, on 15.12.2021, ASI

Yadwinder Singh along with other police officials, in connection with patrolling and checking of suspicious, went to village Ealwal via Rajgarh Basti Sangrur. At around 5:45 P.M., two persons were seen coming from the side of village Ealwal. One of them was carrying black coloured polythene in his right hand and another person was carrying white coloured polythene in his right hand. On seeing the police party, they became perplexed and threw their polythene bags on road side and tried to turn back. On suspicion both the persons were apprehended. The person who had thrown black coloured polythene disclosed his name as Prince Kumar @ Pinchi whereas the other person who had thrown polythene of white colour disclosed his name as Jaspreet Singh @ Bonu (petitioner herein). On checking of black coloured polythene thrown by accused-Prince Kumar @ Pinchi, 50 strips of intoxicant tablets mark Tramadol & Paracetamol (total 500 tablets) were recovered and on checking of white coloured tablets mark Tramadol Hydrochloride 100 mg SR Radol-100 (total 500 tablets) were recovered.

Learned counsel for the petitioner, *inter alia* contends that petitioner has falsely been implicated in the present case. No independent witness was joined by the police party. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further contends that the intoxicant tablets so recovered from the petitioner did not contain any salt so mentioned in the table specified under the NDPS Act, therefore, the petitioner was charge-sheeted only under Section 29 of the NDPS Act. Petitioner is not involved in any other case. He is in custody since 15.12.2021. Trial is

likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail.

On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the petitioner was charge-sheeted under Section 29 of the NDPS Act only, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner, namely; Jaspreet Singh @ Bonu, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act, during the period of bail.

24.04.2023
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**(ASHOK KUMAR VERMA)
JUDGE**

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