

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42048-2022
DECIDED ON: 30.01.2023

JASPAL SINGH @ JASSA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.163, dated 05.07.2022 (Annexure P-1), under Section 15(b) of the NDPS Act, 1985, registered at Police Station City Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the alleged recovery, which was effected from the possession of the petitioner, is non-commercial in nature i.e. 5 kg poppy husk. It has been further asserted that the petitioner manages the said contraband for his wife as she is a drug addict. He has candidly admitted the fact that there are six other cases pending against the petitioner, wherein also the quantity is non-commercial in nature and he is on bail in all the cases, which pertain to the NDPS Act alone.

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court and the same is taken on record. As per custody certificate, the petitioner is already behind bars for the

last 6 months and 21 days and there are six other cases pending against the petitioner, wherein he is on bail. He submits that the peititoner is a habitual offender.

Looking into the totality of the facts and circumstances and considering the fact that the recovered contraband is non-commercial in nature and no fruitful purpose will be served by keeping the accused behind the bars, therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

30.01.2023

Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>