

315

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.48982 of 2022 (O&M)

Date of decision: 18.01.2023

Jaswant Singh @ Jassa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 3rd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.35 dated 29.06.2021, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act (in short 'the NDPS Act') at Police Station Fatehgarh Panjtoor, District Moga.

The earlier two petitions were dismissed as withdrawn.

The new ground for filing this petition is that the petitioner is in custody for the last about 01 year and 07 months and out of 13 PWs, only 02 PWs have been examined and it will take some time in conclusion of the trial.

Brief facts of the case are that on receiving a secret information, ASI Ajit Singh got recorded the FIR that the petitioner is indulged in the sale of intoxicant tablets and thereafter, 510 tablets of Etizolam were recovered from the petitioner. It is stated in the petitioner that it will be a matter of trial whether Section 42 of the NDPS Act was

properly complied with or not and secondly, the petitioner is the first offender and he is not involved in any other case.

Counsel for the State, on instructions from ASI Nachattar Singh, and on the basis of the Custody Certificate dated 27.10.2022, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year 07 months; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required; out of 13 PWs, only 02 PWs have been examined so far and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

18.01.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No