



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-3774-2023
Decided on : 22.07.2024

JASPAL KUMAR @ KALIA

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Sandeep Verma, Advocate
for the petitioner(s).

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

By way of this petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in case FIR No.119 dated 02.06.2022 under Sections 22/61/85 of the NDPS Act (later on Section 22(c) added), registered at Police Station City Kotkapura, District Faridkot.

2. Learned counsel for the petitioner submits that allegedly there was a recovery of 500 tablets (cosidol) and 370 tablets (tramwel) total amounting to 870 tablets weighing 861.91 grams from the petitioner. He further submits that only 70 tablets were recovered from the conscious possession of petitioner and there is non-compliance of Section 50 of the NDPS Act and the petitioner is not involved in any other case under NDPS Act.

3. Lastly, the learned counsel for the petitioner has placed reliance upon the judgment passed by this Court rendered in the case of “Kulwinder Singh Vs. State of Punjab (CRM-M-4566-2024),” Channa @ Chiranji Lal Vs. State of Haryana (CRM-M-34792-2022 (O&M) and “Lovepreet Singh @ Sabu Vs. State of Punjab (CRM-M-4940-2024).



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4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He has filed custody certificate dated 20.07.2024 in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 02 years, 01 month and 14 days. He submits that petitioner is first time offender and has been in custody since 02.06.2022. He on instructions from the concerned investigation officer submits that charges were framed on 03.01.2023 and out of a total of 23 prosecution witnesses, only five have been examined till date. He further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed and none of the prosecution witness have been examined despite charges having been framed. The petitioner has undergone actual custody of 02 years, 01 month and 14 days and he is not involved in any other criminal case and further incarceration of the petitioner would not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution



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witness(s).

(III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.

(V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

July,22 2024
Kavita Nain

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