

CRM-M No.56083 of 2023 (O&M)

2024:PHHC:001104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M No.56083 of 2023 (O&M)
Date of Decision: 08.01.2024

JASVIR SINGH ALIAS JASSA.....Petitioner

Vs

STATE OF PUNJAB....Respondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.120 dated 12.06.2023 (Annexure P-1) registered under Sections 15, 18, 25, 29 of NDPS Act, 1985 at P.S. Samrala, Police District Khanna, District Ludhiana.
2. Learned counsel for the petitioner submits that the petitioner has been primarily implicated against the alleged recovery of 30 kgs of poppy husk besides 01 kg and 700 grams of opium.
3. The prayer made on behalf of the petitioner has been vehemently opposed by learned State counsel while submitting that the petitioner was facing trial against recovery of 04 grams of smack and was convicted and sentenced on 01.06.2023, whereas he was again found involved within two weeks thereafter in the similar activities and thus, he does not deserve any concession of regular bail.

4.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5.

In the present case, recovery of 30 kgs of poppy husk and 01 kg and 700 grams of opium which relates to the petitioner is of non-commercial quantity. The investigation in the present FIR already stands concluded with filing of challan followed by framing of charges; whereas none of the prosecution witness has been examined so far out of total 19 prosecution witnesses. The petitioner has already suffered incarceration for a period more than 06 months and 22 days. Though the petitioner was convicted vide judgment dated 01.06.2023, however the same relates to small quantity.
6.

Considering the fact that the petitioner has already suffered incarceration for a period of more than 06 months and 22 days and none of the prosecution witness has been examined so far, I do not find any justification to extend the incarceration of the petitioner.
7.

Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

January 08, 2024

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No