

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

**CRM-M No. 23062 of 2018**

**Date of decision : 11.01.2019**

**Jagsir Singh alias Jagga**

.....Petitioner

*Versus*

**State of Punjab**

...Respondent

**CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

Present : Mr. P. S. Punia, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

\* \* \*

**DAYA CHAUDHARY, J. (Oral)**

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 ( for short 'Cr.P.C.' ) for grant of regular bail to the petitioner in case FIR No. 86 dated 26.07.2017 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – 'NDPS Act'), registered at Police Station – Tappa Mandi, Distt. Barnala, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated, whereas he was not involved. As per the allegations, 37 intoxicant bottles of Onerex and 30 strips of intoxicant tablets of Carisoma total 300, were recovered. The petitioner is in custody for the last one year and four months and no other case of NDPS Act is there against him. All the prosecution witnesses are official witnesses and

there is no possibility that the petitioner may influence them or tamper with the evidence.

Learned State counsel has not disputed the period of custody undergone by the petitioner but she has opposed the submissions made by learned counsel for the petitioner on the ground that out of total 11 prosecution witnesses, 5 witnesses have been examined and 4 witnesses have been given up. The next date before the trial Court is on 23.01.2019 and the trial is at the fag end.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also gone through the contents of the FIR and other documents on the file.

No doubt the trial is at the advance stage as out of total 11 prosecution witnesses, 5 witnesses have been examined, 4 witnesses have been given up and 2 witnesses remain to be examined. Thereafter, statement of accused under Section 313 Cr.P.C. is to be recorded and there may be list of defence witnesses. Petitioner may get opportunity to produce evidence in his defence in case he is released on bail.

Accordingly, by considering the period of custody undergone by the petitioner, the recovery effected as well as the fact that no other case of NDPS Act is there against the petitioner, he is directed to be released on interim bail till conclusion of the trial, subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

In case the petitioner is found to be involved in any other case under NDPS Act, the State is at liberty to move application for cancellation

of the interim bail.

Disposed of accordingly.

**11.01.2019**

*sunil yadav*

**( DAYA CHAUDHARY )  
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No