

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

**CRM-M No. 17047 of 2019
Date of Decision:-10.05.2019**

Jagdev singh @ Deban

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Jagdev Singh @ Deban has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.116 dated 21.8.2018, under Section 15 of the NDPS Act, registered at Police Station Kot Isse Kha, District Moga. The petitioner is in custody since 21.8.2018.

Learned counsel for the petitioner contends that petitioner was already in custody in case FIR No.106 dated 12.8.2018, under Section 22 of NDPS Act, registered at Police Station Sri Anandpur Sahib, District Rup Nagar on the allegation of having his possession 150 grams of intoxicant powder. There are four accused in the said case. It is contended that on his disclosure, after 11 days the alleged recovery of 53 kilograms of poppy husk has been recovered from a field on 21.8.2018 in the present case.

According to learned counsel for the petitioner, the investigation of the case is complete and it is seriously debatable as to whether the petitioner was found in conscious possession of the alleged contraband recovered by the police. He contends that the quantity of contraband recovered is marginally above the commercial quantity, which also includes the weight of the bags as well.

On the other hand, learned State counsel, who is assisted by ASI Ram Lubhaya has opposed the prayer for grant of bail to the petitioner on the ground that the offence is serious. However, it is not disputed the challan in this case has filed on 25.1.2019 and charges have been framed on 14.2.2019, but no witness has been examined so far.

At this stage, learned counsel for the petitioner contends that the trial is yet to commence and the examination of the witnesses will take considerable time.

Considering the above background of the case and the fact that trial will take considerable time, therefore, further detention of the petitioner is not justified. Resultantly, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Moga.

The petition is allowed.

May 10, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No