

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

CRM-M No.14485 of 2020 (O&M)

Date of Decision: 01.07.2020

Jatinder Singh @ Jindi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajesh Kumar Dadwal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Third petition has been filed under Section 439 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of bail pending trial to the petitioner in FIR No.0145 dated 10.10.2017 (P-1), under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Balachour, District Shaheed Bhagat Singh Nagar, Punjab.

As per the prosecution case, recovery of alleged contraband i.e. 372 grams intoxicating powder, 03 injections without label as well as 04 syringes of 2 ml. make Dispovan was effected from the possession of co-accused, namely, Gurjinder Singh @ Ginda.

Contentends that petitioner is in custody since 24.03.2019 and after investigation in the matter, challan was presented on 20.03.2020. Also contentends that charges have also been framed on 10.04.2020, but no prosecution witness has been examined till date. Further contentends that there

is no recovery alleged against the petitioner and even co-accused, namely, Amarjit Singh @ Jeeta has also been granted the concession of bail pending trial by this Court, vide order dated 03.10.2019 (P-4). Lastly contends that there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned, but opposed the bail application.

Heard learned Counsel for the parties and perused the paper-book.

Since petitioner is in custody for the last more than one year; no recovery has been effected from him either at the time of occurrence or during investigation; prosecution evidence is yet to be started and co-accused of the petitioner has already been granted the concession of bail pending trial by this Court, therefore, there is no justification to prolong the incarceration of the petitioner. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court and shall not unnecessarily delay the proceedings in any manner.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

July 01, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>