

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

CRM-M-28427-2020 (O&M)

Date of decision: 23.09.2020

Jagjit Singh @ Jaggi

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 137 dated 08.06.2017 registered under Sections 21, 29 and 25 of the NDPS Act and Section 25 of the Arms Act, at Police Station Cheharta, District Amritsar.

Learned counsel for the petitioner states that earlier the petitioner had approached this Court vide CRM-M-13800-2019, wherein the learned trial Court was directed to decide the case of the petitioner within a reasonable time, vide order dated 12.12.2019.

Learned counsel for the petitioner draws the attention of this Court towards the *zimni orders* dated 08.01.2020, 18.01.2020, 06.02.2020,

11.02.2020, 17.02.2020, 24.02.2020, 28.02.2020 and 03.03.2020 which indicates that the prosecution witnesses were not present.

It is further argued that the petitioner has been in custody for the last more than 2 years and 10 months. On the basis of disclosure statement of the petitioner, 500 grams of heroin, 1 pistol 32 bore and 4 live cartridges have been recovered.

Copy of custody certificate by way of affidavit dated 22.09.2020 of Deputy Superintendent, Central Prison, Faridkot, submitted by the learned State counsel through email, is taken on record.

Learned State counsel submits that out of 16 prosecution witnesses, only 2 witnesses have been examined so far and that there are as many as 5 other cases registered against the petitioner, out of which in 2 cases he is not on bail and he is an habitual offender.

At this learned counsel for the petitioner submits that he is on bail in those two cases but bail bonds has not been furnished by him and prays that the petitioner be granted the concession of bail subject to the condition that he will furnish the bail bonds in those cases.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last 2 years, 10 months and 16 days. Though, the case is at the stage of evidence, yet the trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars. The petitioner is not guilty of obstructing the conclusion of the evidence of prosecution in any manner.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate, subject to him furnishing bail bonds in aforesaid two cases.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved in similar activities.

(HARNARESH SINGH GILL)
JUDGE

23.09.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No