

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

Sr. No.216

CRM-M-2487-2020

Date of decision: 27.01.2021

Jagseer Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.68 dated 28.04.2018 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – the NDPS Act) at Police Station Jalalabad, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 28.04.2018; for the last about 09 months, no effective proceedings have been taken place in the petitioner's trial; the petitioner was granted interim bail for 03 months and he has not misused such concession and that the petitioner's trial in which 06 prosecution witnesses still remain to be examined is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel admits to the fact that the petitioner has been in custody for over 02 years and 05 months; for the last about 09 months no effective proceedings have taken place in the petitioner's trial and that while the petitioner was on interim bail he did not misuse such concession but opposes the grant of bail to the petitioner on the ground that he has been found in illegal possession of 260 grams of heroin and that another case under the NDPS Act is pending against him.

The petitioner has been in custody for nearly 02 years and 05 months; for the last about 09 months no effective proceedings have taken place in the petitioner's trial; the petitioner did not misuse the concession of interim bail so granted to him earlier and the petitioner's trial in which 06 prosecution witnesses still remain to be examined is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fazilka, who shall insist on heavy local surities, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

January 27, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No