

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48306-2021

Date of decision : 11.11.2022

Jagsir Singh alias Jagga

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Amaninder Preet, Advocate
for petitioner (s).

Mr. V.G. Jauhar, Additional A.G. Punjab.

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HARINDER SINGH SIDHU, J.

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail in FIR No. 17 dated 17.4.2021 registered under Sections 21, 22, 29 of NDPS Act, 1985 at Police Station Sehna, District Barnala. (The challan has been filed under Sections 21C, 22C, 29 of NDPS Act, 1985 and under Section 473 IPC and charges have been framed under Sections 21, 22, 29 of NDPS Act and under Sections 471, 465 IPC).

As per allegations in FIR, on receipt of secret information, Sandeep Singh, Jagsir Singh alias Jagga (petitioner) and Natha Singh were apprehended. 330 grams Alpazolam tablets were recovered from Sandeep Singh and petitioner whereas 313 grams heroin was recovered from Natha Singh.

The investigation in the case is complete. Petitioner is in custody since 18.4.2021. 33 prosecution witnesses have been cited. However, only one prosecution witness has been examined so far. One case under the NDPS Act is stated to be registered against petitioner in the year 2011, in which he is stated to be acquitted.

Mr. Amaninder Preet, learned counsel for petitioner has referred to two judgments of Hon'ble the Supreme Court in *Shariful Islam alias Sarif Versus State of West Bengal* (Petition for Special Leave to Appeal (Crl.) No. 4173-2022, decided on 22.3.2022) and *Nitish Adhikary alias Bapan Versus State of West Bengal* (Petition for Special Leave to Appeal (Crl.) No. 5769-2022, decided on 4.5.2022) wherein petitioners were granted bail for offences under the NDPS Act considering their custody period and the fact that the trial had not progressed.

In view of decisions of Hon'ble the Supreme Court in *Shariful Islam (supra)* and *Nitish Adhikary alias Bapan (supra)* and considering the custody period of petitioner and the fact that the trial has not progressed, no useful purpose would be served by keeping the petitioner behind bars. Hence, petition is allowed. Petitioner Jagsir Singh alias Jagga is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

However, if petitioner indulges in any activity of similar nature, while on bail, prosecution agency will be at liberty to seek cancellation of order granting bail to petitioner.

(HARINDER SINGH SIDHU)
JUDGE

11.11.2022
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No