

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M-2851 of 2022 (O&M)
DATE OF DECISION:-09.02.2023

Jarnail Singh @ Jujj

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gaurav Dutta, Advocate,
Mr. Rubal Garg, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of bail pending trial in case FIR No.11 dated 12.01.2021 under Section 22 of NDPS Act, registered at Police Station City South, Moga.

Learned counsel for the petitioner submits that investigation in the present case has been concluded way back on 29.06.2021 with the filing of challan and the charges were framed on 31.08.2021. He further submits that out of total 10 witnesses cited by the prosecution, no one has been examined so far and next date of hearing before the trial Court is 24.03.2023. Learned counsel also submits that petitioner is behind the bars for a period more than 2 years and 21 days and the trial is likely to take some time and as such, no useful purpose is going to be served for keeping the petitioner behind the bars and thus, petitioner deserves the concession of regular bail.

On the other hand, learned State counsel opposes the prayer made at the instance of petitioner and submits that the allegations against the

petitioner are of heavy recovery.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

The investigation in the present case already stands concluded with the filing of *challan* and the charges were also framed, however, none of the prosecution witness has been examined so far. Considering the custody period to be more than 2 years and status of the trial besides, there being no other case of similar nature, pending against the petitioner, no useful purpose is going to be served for extending his incarceration. Thus, petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

09.02.2023.
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No