

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1589-2023

Date of Decision: 6.11.2023

Jaswant Singh @ Bant Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab

KARAMJIT SINGH, J.

Prayer in this 2nd petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.08 dated 21.1.2022 registered for the offences punishable under Sections 15 and 18 of NDPS Act at Police Station Dirba, District Sangrur.

2. As per prosecution version, petitioner-Jaswant Singh @ Bant Singh and co-accused Gurpreet Singh @ Lakha were apprehended by the police on the basis of secret information on 21.1.2022 while the petitioner was driving truck No.PB07-AC-5257 and on checking of the said truck, commercial quantity of contraband was recovered and the petitioner was arrested at the spot along with his co-accused.

3. Counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and is in custody for the last more than 1 year and 9 months and that the trial is not progressing ahead. It is further contended that the petitioner has already been acquitted in another

case which was registered against him under NDPS Act by the Court concerned vide judgment dated 2.8.2018 and the petitioner is having no other criminal history and that it will take considerable time for the trial to terminate. So, prayer is made that the present petition be allowed.

4. Present petition is resisted by the State counsel who submits that commercial quantity of contraband was recovered from the petitioner and his co-accused while both of them were travelling in the truck. It is further submitted that the trial is going on and that rigors of Section 37 of NDPS Act are applicable to the present case. However, the State counsel has not disputed the fact that the petitioner is in custody for the last about 1 year and 9 months and that till date, only one prosecution witness has been examined.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner is in custody since 21.1.2022 and as per custody certificate, he was also involved in one another criminal case under NDPS Act. However, counsel for the petitioner has produced copy of judgment whereby the petitioner stands acquitted in the said criminal case on 2.8.2018. It has been brought to the notice of this Court that the prosecution is able to examine only one witness out of total 13 witnesses till date. There is nothing on record to show that the petitioner is responsible for delay in conclusion of the trial. In the given circumstances, delay in disposal of the case especially when it is not the fault of the accused, the effect of Section 37 of NDPS Act will be diluted.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

November 6, 2023

Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No