

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

208

**CRM-M-3419-2023 (O&M)
Date of decision: 20.03.2023**

Jacob Lian Tum Thang

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. SPS Khaira, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this second petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.113 dated 03.05.2019, registered under Sections 21, 25 of the NDPS Act, at Police Station Sadar Khanna, District Ludhiana.

Status report by way of affidavit dated 20.03.2023 of the Deputy Superintendent of Police, Khanna, District Ludhiana, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that the earlier bail petition was disposed of vide order dated 09.12.2021 by this Court with a direction to the learned Principal Magistrate, Juvenile Justice Board, Ludhiana, to reconsider the petitioner's case with regard to his juvenility and decide the same, preferably within a period of 2 months from the date of receipt of copy of the order.

Learned counsel for the petitioner further submits that the petitioner has falsely been implicated in the present case; that the alleged recovery of 1 kg. of *Heroin* was effected near the gear box of the car/taxi, in which the petitioner was travelling, and the Driver of the car has been declared innocent; that the petitioner has been in custody since 03.05.2019; that though the charge was framed on 27.09.2019 but till date no prosecution witness has been examined and there is no other case against the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the recovery effected in the present case is higher than the commercial quantity. However, she does not dispute the custody period of the petitioner and that there is no other case against the petitioner. She submits that out of 14 prosecution witnesses, 03 have been given up and none has been examined.

I have heard the learned counsel for the parties.

Though the recovery effected in the present case is higher than the commercial quantity but the fact remains that the recovery was not effected from the conscious possession of the petitioner and he has been in custody since 03.05.2019. The prosecution witnesses are yet to be examined. Moreover, there is no other case against the petitioner. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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 on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

It is also clearly stipulated that the petitioner would be required to remain present on all dates fixed by the trial Court and his counsel will not seek unnecessary adjournments and that if the petitioner tries to delay the trial or involves him into another case of a similar nature, the trial Court would put back him into incarceration.

(HARNARESH SINGH GILL)
JUDGE

20.03.2023
Mangal Singh

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