

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

CRM-M No.4736 of 2023
Date of decision: 8th May, 2023

Jodveer Singh @ Jodha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prince Sharma, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.119 dated 05.08.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Jhabal, District Tarn Taran (Punjab).

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand, which is evident from the fact that he does not have any criminal antecedents. He further submits that even the recovery effected i.e. 244.4 grams of Tramadol falls under the non-commercial quantity. It has been urged that there is no likelihood of the trial concluding in the near future as none of the 15 prosecution witnesses have been examined till date. A prayer has therefore been made to extend the concession of bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions submits

that the prosecution evidence is likely to commence on the next date of hearing fixed before the trial Court i.e. 29.05.2023. He, on further instructions, has however not been able to controvert that the recovered contraband i.e. 244.4 grams of Tramadol falls under the non-commercial quantity. Learned State counsel has also not disputed that the petitioner does not have a criminal past as he is not involved in any other criminal case much less under the NDPS Act.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 05.08.2022 and after the charges were framed on 28.02.2023, none of the 15 prosecution witnesses cited has been examined till date, and thus, the trial shall take considerable time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add here that in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

May 8, 2023
rps

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