

CRM-M- 13212-2023 (O&M)

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 13212-2023 (O&M)
Date of Decision: 09.05.2023

Jagjit Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. B. S. Chahal, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. during the pendency of the trial in case FIR No. 79 dated 31.10.2017, under Sections 21, 22, 61, 85 of NDPS Act registered at Police Station Mehta, District Amritsar, Punjab.

Learned counsel for the petitioner contends that the petitioner is in custody since 30.12.2022. He submits that the petitioner was granted regular bail by the Judge, Special Court, Amritsar vide order dated

CRM-M- 13212-2023 (O&M)

-2-

21.02.2023 and was facing trial. But on 26.04.2022, he jumped the bail by absenting himself and was not served and was declared as a proclaimed offender on 10.11.2022 and was again arrested on 30.12.2022. He further submits that the petitioner has no other case pending against him under the NDPS Act and the challan stands presented as far back as 15.10.2018 and out of total 10 witnesses, 01 have been examined and conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along with the reply has been filed by the respondent-State, which are taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the ASI Harpal Singh opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and as per custody certificate he is involved in one more case, however, does not dispute the fact that the challan stands presented and the petitioner has no other antecedents under the NDPS Act.

Confronted with the same, learned counsel for the petitioner submits that the said case was registered against him after his arrest.

Petitioner is in incarceration since 30.12.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the

CRM-M- 13212-2023 (O&M)

-3-

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

09.05.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>