

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

CRM-M-16543-2022

Date of decision: 16th May, 2023

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. A.K. Khunger, Advocate for the petitioner.
Mr. I.S. Mann, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This fourth petition is filed seeking regular bail in case FIR No. 170, dated 25th November, 2020, under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the Act'), registered at Police Station Bahav Wala, District Fazilka. Earlier petitions were dismissed as withdrawn with liberty to revive the prayer at a later stage.

2. On a secret information that Jaswant Singh-Petitioner, Sukhdeep Singh and Rajwinder Singh are habitual of bringing Poppy Husk from Rajasthan and selling it in Punjab, vehicle bearing registration No.RJ-07-GB-0677 driven by petitioner was checked and 80 kgs of Poppy Husk was recovered.

3. Learned counsel for the petitioner submits that petitioner is in custody since 25th November, 2020, the trial is not progressing at a decent pace and police officials are not appearing for examination despite attachment of their salary and issuance of non-bailable warrants. It is further argued that petitioner is not involved in any other case under the Act. Reliance is placed upon decision of Supreme Court in ***SLP (Crl.) No.***

6690 of 2022-Dheeraj Kumar Shukla vs. The State of Uttar Pradesh, decided on 25th January, 2023 and in **SLP (Crl.) No. 1166 of 2023 Chet Ram @ Ram Veer vs. Union of India** decided on 15th March, 2023.

4. Learned State counsel on instructions submits that out of total fourteen prosecution witnesses only four have been examined and that action is being taken against the defaulting police officials whose non-appearance for deposition delayed the trial. He fairly submits that petitioner is not involved in any other case

5. Without commenting upon the merits of the case, considering that petitioner is in custody since 25th November, 2020; trial is not progressing at a decent pace; conclusion of trial is likely to take time; petitioner has clean antecedents and in view of the decision of **Supreme Court** in **SLP (Crl.) No. 6690 of 2022-Dheeraj Kumar Shukla vs. The State of Uttar Pradesh**, decided on 25th January, 2023 and in **SLP (Crl.) No. 1166 of 2023 Chet Ram @ Ram Veer vs. Union of India** decided on 15th March, 2023, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

6. The petition is allowed.

7. However, the State shall file a report with regard to the action taken against the defaulting officials.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main case has been allowed, pending application, if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

16th May, 2023

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No