

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

206

2023:PHHC:135098

**CRM-M-16640-2023
Date of decision: 17.10.2023**

JOGA SINGH

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Ajit Singh Natt, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. This is the petitioner's second attempt to get bail during the pendency of the trial in a criminal case arising from FIR No.60, dated 07.05.2019, registered under Section 15, 18 & 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the '1985 Act'), at Police Station Jalandhar Cantt., District Jalandhar.
2. As per the case of the prosecution, the petitioner along with Gurmeet Singh was apprehended with 7kgs. of opium and 3kgs. of poppy husk. It has been stated that the petitioner is also an accused in FIR No.152, dated 12.06.2018, registered under Section 15, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985. In the aforesaid FIR, 3kg of poppy husk is alleged to have been recovered from the petitioner. The aforesaid quantity falls in the non-commercial category. However, in this FIR 7kgs opium and 3kgs of poppy husk is alleged to have been recovered from the possession of the petitioner and his co-accused Gurmeet Singh.

3. The learned counsel representing the petitioner contends that the petitioner has undergone incarceration for a period of 4 years, 5 months and 11 days and he has been granted bail in FIR No.152, dated 12.06.2018.

4. On the other hand, the learned counsel representing the State of Punjab submits that prosecution has recorded deposition of five witnesses, whereas, two have been given up. Five more witnesses are required to be examined.

5. The first bail application filed by the petitioner was dismissed on 05.10.2020. Even thereafter, a period of three years has elapsed. The conclusion of the trial is likely to take time.

6. Without commenting on the merits of the case and keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on the regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate.

7. The petition stands allowed.

8. All the pending miscellaneous applications, if any, are also disposed of.

October 17th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*