

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

CRM-M-20965-2023

Decided on:-03.05.2023

Jagsir Singh @ Jaggu @ Lambu

....Petitioner..

vs.

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

HARKESH MANUJA J.

1. By way of present petition filed under Section 439 Cr.P.C, prayer has been made for grant of regular bail pending trial in case FIR No.19 dated 20.01.2023, under Section 21 of the NDPS Act, 1985 (Section 27-A NDPS Act added later on), registered at Police Station City Ratia, District Fatehabad.

2. Learned counsel for the petitioner submits that the petitioner was implicated on the basis of disclosure statement made by co-accused Sukhbir Singh @ Sukha from whom 3.76 grams of *heroin* was recovered. Moreover, co-accused Sukhbir Singh @ Sukha has already been granted the concession of regular bail by the learned lower court, the present being case of small recovery. Learned counsel for the petitioner further submits that the petitioner is in custody for the last more than 01 month, whereas, the trial is likely to take some time. He also submits that no contraband has been recovered from the petitioner.

3. On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that one more case was registered against the petitioner, though, he has already been acquitted in that case.

4. I have heard learned counsel for the parties and gone through the paper-book. I find substance in submissions made on behalf of the petitioner.

5. Considering the fact that no contraband was recovered from the petitioner and the trial is likely to take some time, there does not appear to be any justification to extend the incarceration of the petitioner any further, who is behind the bars for the last more than 1 month now, besides it, co-accused Sukhbir Singh @ Sukha from whom the alleged recovery has been effected already is on bail granted by the lower court.

6. In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail bonds and surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

03.05.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No