

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

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CRM-M-24229-2023

Date of decision: 17.05.2023

JOGA SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Sarju Puri, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.183 dated 09.11.2021 under Sections 21, 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is alleged that on 09.11.2021, police party upon receiving a secret information apprehended the petitioner and other co-accused, namely, Navdeep Kumar, Amit Kumar and Harjit Singh @ Jeeta and recovery of 500 grams heroin from the petitioner-Joga Singh, 20 grams of heroin from Navdeep Kumar, 500 grams of heroin from Amit Kumar and 20 grams of heroin from Harjit Singh have been effected. The petitioner is in custody since 09.11.2021. He further contends that bail applied by the petitioner has been declined by the Judge, Special Court, Jalandhar, vide order dated 07.02.2022 (Annexure P-2).

Learned counsel for the petitioner submits that the petitioner is not involved in any other case and the co-accused, namely, Navdeep Kumar, Harjit Singh @ Jeeta, Karan, Arun @ Bunty and Amit Kumar and have already been granted the concession of regular bail by this Court vide orders dated 01.02.2022 (CRM-M-3105-2022), 15.02.2022 (CRM-M-5415-2022), 05.04.2022 (CRM-M-13507-2022), 06.04.2022 (CRM-M-13645-2022) and 01.05.2023 (CRM-M-33239-2022), respectively and claims parity. He also contends that investigation has already been concluded, wherein, challan stands presented, charges are yet to be framed and out of total 12 prosecution witnesses, none has been examined till date and conclusion of the trial will take sufficient time, therefore, the petitioner be enlarged on bail.

On the other hand, learned State counsel assisted by ASI Baljinder Singh has opposed the aforesaid prayer on the ground that allegations levelled against the petitioner are serious in nature. However, he has not disputed the fact that challan stands presented, charges are yet to be framed and out of total 12 prosecution witnesses, none has been examined. Learned State counsel further submits that the petitioner is not involved in any other case.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 09.11.2021.

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 investigation has already been completed, challan stands presented, charges are yet to be framed and out of total 12 prosecution witnesses, none has been examined till date and co-

accused, namely, Navdeep Kumar, Harjit Singh @ Jeeta, Karan, Arun @ Bunty and Amit Kumar, who have already been granted bail by this Court vide orders dated 01.02.2022 (CRM-M-3105-2022), 15.02.2022 (CRM-M-5415-2022), 05.04.2022 (CRM-M-13507-2022), 06.04.2022 (CRM-M-13645-2022) and 01.05.2023 (CRM-M-33239-2022), respectively, where the petitioner claims parity and keeping in view 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 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.

May 17, 2023
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(DEEPAK MANCHANDA)
JUDGE

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