

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

CRM-M-31977-2023

Decided on:-12.07.2023

Jasvir Singh @ Kala

....Petitioner..

VS.

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Gurpal Singh Sandhu, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

HARKESH MANUJA J.

1. By way of second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial in case FIR No.17 dated 03.03.2022, under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Budhlada, District Mansa.

2. The allegations levelled against the petitioner are that he along with his co-accused was found in possession of 1200 tablets of Alprasafe 0.5 and 1000 capsules of Tramwel.

3. Learned counsel for the petitioner submits that the petitioner is in custody for the last more than 01 year and 04 months now and the investigation in the present case already stand concluded with the filing of *challan*, followed by framing of charges on 08.09.2022, however, none has been examined, out of total of 09 witnesses cited by the prosecution, as such,

the trial is likely to take some time and prays for grant of concession of regular bail. He placed reliance upon the judgment of Hon'ble Supreme Court passed in Special leave to Appeal (Crl.) No.3221/2023, titled as ***“Hasanujjaman and others vs. The State of West Bengal”*** decided on 04.05.2023.

4. On the other hand learned State counsel opposes the prayer made on behalf of the petitioner while submitting that commercial quantity of contraband has been recovered from the petitioner along with his co-accused.

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

6. Considering the fact that the petitioner is behind the bars for the last 1 year and 4 months now, the investigation in the present case already stand concluded with the filing of challan, followed by framing of charges and trial likely to take some time as none of the prosecution witnesses has been examined so far, thus, I do not find any reason to extend the incarceration of the petitioner any further.

7. Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

12.07.2023

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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/ No