

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210)

CRM-M-36727 of 2022
DATE OF DECISION:-23.02.2023

Jaswinder Singh @ Jassi

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Harsh Chopra, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.25 dated 27.01.2022 under Sections 22, 29, 37 of the NDPS Act, 1985(Section 473 IPC added lateron), registered at Police Station City Rajpura (Punjab).

Learned counsel for the petitioner submits that recovery in the present case from the petitioner is of 50.400 gm., of Diphenoxylate Hydrochloride which is marginally higher than the commercial quantity. Learned counsel further submits that the investigation in the present case already stands concluded with the filing of *challan*, however, charges have not been framed so far, whereas, the petitioner is behind the bars for a period of more than 1 year and 22 days now. Learned counsel also submits that the prosecution has cited 12 witnesses as part of *challan* and as such trial is likely to take some time. He further places reliance upon the orders passed by this Court in the cases of **Chunni Lal Vs. State of Haryana**, passed in CRM-M-43448-2020 on 09.03.2021 and **Jagjit Singh @ Jagga**

Gill and Others Vs. State of Punjab, passed in CRM-M-41242 of 2019 on 27.02.2023.

On the other hand, learned State counsel opposes the prayer made in the petition.

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.

Considering the fact that alleged recovery in the present case is marginally higher than the commercial quantity, the investigation in the present case already stands concluded, the trial is likely to take some time as charges have not yet been framed so far, there is no justification to enhance the incarceration of the petitioner as he is already behind the bars for a period of 1 years 22 days and there is no case of similar nature pending against him. In view of law laid down by this Court in case of **Chunni Lal (supra) and Jagjit Singh @ Jagga Gill and Others (supra)**, the petitioner deserves the concession of regular bail.

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.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

23.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No