

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

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2023:PHHC:129039

CRM-M-37690-2023

Date of decision: October 5th, 2023

Jaspal Ram alias Juah

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.148 dated 14.12.2022 under Section 22 of the NDPS Act, 1985, registered at Police Station Dirba, District Sangrur.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand as he was accompanying co-accused, who was allegedly carrying the bag containing 1000 tablets of Tramadol. Allegedly, the motorcycle of the petitioner skidded, as a result of which the bag which the co-accused was carrying, containing 1000 tablets of Tramadol, spilled all over the place. The petitioner and the co-accused were then nabbed by the police on suspicion. He submits that the petitioner has been in custody since 14.12.2022 and after the charges were framed, only one out of the 16 prosecution witnesses has been examined so far. Hence, there is no likelihood of the trial concluding anytime in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act. However, he submits that the petitioner was riding the motorcycle along with the co-accused, hence, he was well aware about the contents of the bag which the co-accused was carrying with him.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 14.12.2022. He is not stated to be involved in any other criminal case, coupled with the fact that there is no likelihood of the trial concluding in near future as none of the 15 prosecution witnesses cited have been examined till date.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 5th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No