

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

CRM-M-44220 of 2022
DATE OF DECISION:-17.02.2023

Jagpal Singh @ Jaggi

...Petitioner

VS.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B. S. Saini, Advocate, for the petitioner.

Mr. I. P. S. Sabharwal, DAG, 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.01 dated 08.01.2022 under Sections 22, 61, 85 of the NDPS Act, registered at Police Station Singh Bhagwantpur, District Roopnagar.

Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* way back on 19.04.2022 and even charges have been framed on 01.06.2022. Learned counsel for the petitioner submits that petitioner has already suffered long incarceration and the trial is likely to take some time to conclude. He further submits that the alleged recovery in the present case is of non-commercial quantity, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made herein while submitting that trial is almost over now as out of total 12 witnesses cited by the prosecution, 10 have already been examined and the trial is now fixed for 20.02.2023.

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.

Once, the investigation in the present case already stands concluded and in particular the alleged recovery being non-commercial in nature, petitioner having suffered incarceration for a period of more than 10 months and there being no other case of similar nature pending against him, there appears to be no justification for keeping the petitioner behind the bars merely for the reason that the trial is about to conclude as the matter relates to the liberty of an individual, thus, 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.

17.02.2023
anil

(HARKESH MANUJA)
JUDGE

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