

CRM-M-46797 of 2022

[1]

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-46797 of 2022

Date of decision: 28th February, 2023

Jobanjit Singh @ Joban

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. J. S. Gill, Advocate for the petitioner.
Mr. I. S. Mann, DAG, Punjab

AVNEESH JHINGAN, J (Oral):

This is second petition seeking regular bail in FIR No. 125 dated 6.10.2020, under Sections 21, 25 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short, 'the Act'), registered at Police Station Special Task Force, District STF Wing, Mohali.

The earlier petition was dismissed as withdrawn on 14.3.2022.

The brief facts are that the police party on 6.10.2020 acting upon a secret information checked motor cycle bearing registration No. PB-02-BD-2172 driven by Sahib Singh @ Saba. The petitioner was the pillion rider. Two hundred and eighty eight grams of heroin was recovered.

Learned counsel for the petitioner submits that the petitioner is in custody for two years and five months, the trial is not proceeding, not even a single prosecution witness has been examined. He relies upon the decision of the Supreme Court in *SLP (Crl.) No. 6690 of 2022-Dheeraj*

Kumar Shukla v. The State of Uttar Pradesh, decided on 25.1.2023.

Learned counsel for the State opposes the prayer for grant of bail. He submits that recovery is of commercial quantity.

Without commenting on the merits of the case, considering that the petitioner is in custody for two years and five months, though charges have been framed there is no headway in the trial, the petitioner has no criminal antecedents and in similar circumstances, the Supreme Court in *Dheeraj Kumar Shukla's case (supra)* granted bail, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

The observations made hereinabove are made only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

28th February, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |