S. No.210 **2023:PHHC:140199**

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-47134 of 2022
Date of Decision:03.11.2023

Jaspreet Singh @ Jassa **.....Petitioner**

Vs.

State of Punjab **.....Respondent**

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.P.S. Deol, Senior Advocate with
Mr. H.S. Deol, Advocate and Ms. Tranum Preet Kaur,
Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

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DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.170 dated 30.07.2022 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, `the NDPS Act') (Section 29 of NDPS Act added later on) and Section 25 of the Arms Act, 1959 at Police Station City Moga, District Moga.

Allegations are that on the basis of disclosure statement suffered by the co-accused Lovejit Singh to the effect that said Lovejit Singh used to purchase contraband from the petitioner, the petitioner was nominated in this case and 290 grams of heroin along with an amount of ₹3 lakhs was recovered from him. Petitioner was arrested on 04.08.2022 and ever since then, he is in custody.

It is contended by learned counsel for the petitioner that recovered quantity of heroin from the petitioner is marginally higher than the commercial quantity. It is further contended that though the petitioner was involved in one more case pertaining to the NDPS Act, arising out of FIR No.117 dated

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17.06.2017 registered under Section 21/61/85 of NDPS Act, at Police Station City Moga, but he has since been acquitted on 15.02.2021 in that case.

Learned counsel for the petitioner has also placed on record copies of the zimni orders passed by the trial Court in order to show that even charge has not been framed so far.

Learned State Counsel could not refute the afore-said contention to the effect that charges have not been framed so far. It is also informed that as many as 32 witnesses have been cited by the prosecution.

As per the custody certificate placed on record, petitioner is in custody for the last 01 year 02 months and 27 days. Thus, apparently, trial is likely to take long time.

Although the recovered quantity falls in the commercial category but Section 37 of the NDPS Act is required to be balanced in the light of the fundamental right of the accused for speedy trial under Article 21 of the Constitution of India.

Having regard to the afore-said facts and circumstances, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned.

November 03, 2023 **(DEEPAK GUPTA)**
renu **JUDGE**

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

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