

CRM-M-50027 of 2022 (O&M)

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

CRM-M-50027 of 2022 (O&M)
Date of decision: 03.03.2023

Jagtar Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. K.S. Siwach, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

CRM-10621 of 2023

This application has been filed under Section 482 Cr.P.C. for placing on record order dated 14.11.2022 passed by the Court of learned Additional Sessions Judge, Fatehabad, as Annexure P-5 and to exempt from filing the certified/typed copy of the same.

Allowed as prayed for. Annexure P-5 is taken on record, subject to all just exceptions.

CRM-M-50027 of 2022

This petition has been filed by the petitioner under Section 439 read with Section 167(2) Cr.P.C. seeking regular bail in case FIR No.352

CRM-M-50027 of 2022 (O&M)

dated 08.08.2022 under Section 15(b), 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner submits that he does not press the present petition under Section 167(2) Cr.P.C. Ordered accordingly.

According to the prosecution, on 08.08.2022, a police party headed by ASI Ajit Singh on the basis of suspicion apprehended the present petitioner-Jagtar Singh while standing in front of gate of Anaj Mandi, Tohana on Tohana-Ratia road. After making compliance of notice under Section 50 of NDPS Act, recovery of 08 kgs of poppystraw was effected from the plastic bag carried by the petitioner, in the presence of Dr.Jony Chawla, Veterinary Surgeon, Nangla. The recovered contraband was taken into possession in accordance with law. Disclosure statement of present petitioner-Jagtar Singh was recorded. During investigation on 10.08.2022, co-accused Hukam Tanwar was arrested and he also suffered his disclosure statement regarding his involvement in the present case. After completion of investigation, challan has been presented in the Court.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that during the pendency of the present petition, petitioner again filed application for grant of bail under Section 36-A of the NDPS Act and Section 167(2) Cr.P.C. before the Court of learned Additional Sessions Judge, Fatehabad, which has again been rejected vide order dated 14.11.2022. He further submits that petitioner is a young boy of 29 years of

CRM-M-50027 of 2022 (O&M)

age. He is in custody since 08.08.2022. He further submits that alleged recovery effected from the petitioner falls under the category of intermediate quantity. Investigation in the present case is complete; challan has been presented; charges are yet to be framed and the case is now fixed for 20.07.2023 before the trial Court. He further submits that petitioner is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner in jail.

Per contra, learned State counsel while placing on record the custody certificate has opposed the prayer for grant of bail to the petitioner. However, he does not dispute the fact that challan has been presented; charges are yet to be framed; petitioner in custody for the last 06 months and 22 days; petitioner is not involved in any other case and trial is likely to take considerable time to conclude.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody period of the petitioner, which is 06 months and 22 days; challan has been presented, however, charges are yet to be framed; petitioner is not involved in any other case and conclusion of trial may take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to

CRM-M-50027 of 2022 (O&M)

the petitioner.

The petition stands disposed off accordingly.

Nothing stated hereinabove, shall be construed as an expression of opinion on the merits of the case.

03.03.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No