

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

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2023:PHHC:136738

CRM-M-47927-2023

Date of decision: October 19th, 2023

Jujar Singh @ Jimmy @ Jujhar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Piyush Khanna, Advocate
for the petitioner.

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

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.146 dated 30.12.2022 under Section 15 of the NDPS Act registered at Police Station Chabbewal, District Hoshiarpur.

2. Learned counsel for the petitioner, *inter alia*, contends that a false case has been planted upon the petitioner. He submits that after the charges were framed on 01.08.2023, none of the 14 prosecution witnesses have been examined and hence, there is no likelihood of the trial concluding in the near future. It has further been urged that the alleged recovery effected (i.e. 54 kgs poppy husk) is just marginally higher than the minimum prescribed as commercial quantity under the Act.

3. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, has submitted that the petitioner was found sitting in the truck and it was a case of chance recovery. As soon as he saw the police party, he tried to flee from the spot, from which his involvement in the crime in question could be

easily discerned. Learned State counsel has informed the Court that the petitioner is involved in another case under the NDPS Act, however, in the said case, the recovery of contraband effected is of small quantity.

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

5. Petitioner has been in custody since 30.12.2022 and as not disputed by the learned State counsel, none of the prosecution witnesses out of the 14 cited has been examined. The trial, thus, is unlikely to conclude in the near future.

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 19th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No