

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

(211)

CRM-M-51288 of 2022
DATE OF DECISION:-27.04.2023

Jasmail Singh alias Maddi

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.P. S. Dhaliwal, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) 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.34 dated 04.06.2021 under Sections 21, 21(c), 22, 25, 29 (Act No.61 of 1985) of Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 473 IPC registered at Police Station Sehna, District Barnala.

(2) As per allegations levelled against the petitioner he was apprehended with 335 grams of heroin.

(3) Learned counsel for the petitioner submits that investigation in the present case already stands concluded with the filing of *challan* followed by framing of charges and the trial is likely to take some time as only 12 witnesses have been examined, out of total 29 as cited in the *challan*. He further submits that petitioner is already behind the bars for a period of 1 year, 10 months and 23 days, thus, he deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that recovery effected from the petitioner is of

commercial quantity.

(5) 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.

(6) Considering the fact that petitioner is behind the bars for the last 1 year, 10 months and 23 days and the trial is likely to take some time as out of the total 29 witnesses, only 12 has been examined so far, I do not see any justification to extend the incarceration of the petitioner any further particularly in view of the fact that there is no other case of similar nature pending against the petitioner, thus, the petitioner deserves the concession of regular bail.

(7) 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.

(9) However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

27.04.2023
anil

(HARKESH MANUJA)
JUDGE

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