

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

**Neutral Citation No. 2023:PHHC:150894
CRM-M-50943-2023**

Date of Decision: November 28, 2023

Jagseer Singh alias Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Status report by way of affidavit of Shri Jasbir Singh, Deputy Superintendent of Police, Sub Division, Gidderbaha, District Sri Muktsar Sahib, on behalf of respondent-State, along with custody certificate has been filed.

2. By way of present petition filed under Section 439 Cr.P.C., prayer is made for grant of regular bail in case FIR No.115 dated 28.07.2022, under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Gidderbaha, District Muktsar Sahib.

3. As per allegations, 16 vials of Cocrex cough syrup containing salt Codeine Phosphate, were recovered from the possession of the petitioner on 28.07.2022. The recovered quantity falls in the commercial category.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for more than 01 year and 03 months and that the trial may take time to conclude.

5. Learned State counsel opposes the bail petition by pointing out the criminal antecedent of the petitioner.

6. As per custody certificate, petitioner is in custody for the last 01 year, 03 months and 29 days. He is involved in two more cases bearing

FIR No.137 dated 20.07.2022, under Sections 22(c) and 29 of the NDPS Act, registered at Police Station Mukatsar Sadar and FIR No.31 dated 19.03.2019, under Sections 325, 323, 34 of IPC, registered at Police Station Gidderbaha.

7. Refuting the aforesaid contention, learned counsel for the petitioner submits that the petitioner is not named in the FIR No.137 dated 20.07.2022 as referred above and he was nominated only on the basis of disclosure statement and has already been allowed bail in that case. Another FIR does not pertain to NDPS Act.

8. It is also informed by learned State counsel that after filing of the challan, charges were framed on 04.09.2023 and out of 19 witnesses cited by the prosecution, none has been examined so far.

9. Thus trial is likely to take time to conclude. No purpose shall be served by keeping the petitioner detained. Though recovered quantity falls in the commercial category, but the rigor of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India providing for the fundamental right of the life and liberty, of which the right of speedy trial forms part, looking into the custody period of the petitioner.

10. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

November 28, 2023

sarita

(DEEPAK GUPTA)
JUDGE