



CRM-M-18176-2024

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**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-18176-2024
Decided on : 22.08.2024

Jagjit Singh @ Indu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. J.S.Sandhu, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.132 dated 12.08.2021 under Sections 18, 21, 21(c), 25 and 29 of NDPS Act and Section 25 of Arms Act registered at Police Station STF Phase IV, Mohali District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 12.08.2021 in a case of false implication. Till date, the trial has not concluded as 23 witnesses cited by the prosecution remain to be examined. Learned counsel has further submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as the possibility of the trial concluding in the near



future looks bleak, more so, when the delay in the conclusion of the trial has been on account of the repeated non-appearances of the prosecution witnesses.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner has not disputed the stage of trial. However, it has been submitted that following a tip off qua the involvement of the petitioner in drug trafficking he along with the co-accused were apprehended by the police; after compliance of all the mandatory provisions of the NDPS Act and recovery of 800 grams of heroin was affected from the petitioner. Subsequently, the petitioner suffered another disclosure statement leading to the recovery of a huge quantity of contraband i.e. 4 kgs 900 grams of heroin, 1 kg 500 grams of opium along with 55 live cartridges/ ammunition. Learned State counsel has further submitted that the next date of hearing fixed before the trial Court is 23.09.2024 when some more prosecution witnesses have been summoned and since directions have now been issued by the DGP, Punjab, prosecution witnesses would be regularly appearing before the trial Court to get their evidence recorded. A prayer has, therefore, been made for dismissal of the present petition.

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

5. The recovery allegedly affected from the petitioner is more than 5 kgs of heroin along with huge quantity of opium and even ammunition. The alleged recovery was affected in the presence of



Gazetted Officer after due compliance of all the mandatory provisions of Section 50 of the NDPS Act.

6. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed.

7. 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.

8. However, Keeping in view the long incarceration of the petitioner and 23 witnesses still remaining to be examined, Trial Court concerned is directed to make earnest efforts to expedite the trial and conclude it at the earliest, preferably within a period of five months.

22.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No