



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(202)

CRM No. M-23414-2024

Date of Decision : 16.05.2024

Jarnail Singh @ Jailla

....Petitioner

Versus

State of Union Territory of Chandigarh

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Kunwar Rajan, Advocate for the petitioner.

Mr. Manish Bansal, Advocate
for the respondent-U.T., Chandigarh.

Harsimran Singh Sethi, J. (Oral)

1. Custody certificate of the petitioner has been produced in Court today by learned State counsel. The same is taken on record.
2. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 83 dated 16.06.2016, registered under Sections 18 & 29 of NDPS Act, 1985 and 489-C, 201 and 120-B IPC at Police Station Maloya, Chandigarh.
3. Learned counsel for the petitioner argues that the petitioner was not named in the present FIR but has only been roped in on the basis of the disclosure statement of co-accused, namely, Lovepreet Kaur and no recovery of any kind of contraband has been done from the petitioner. Learned counsel for the petitioner submits that the petitioner is behind bars for the last one year and seven months and even the charges have not been framed so far, hence, the petitioner be granted the benefit of regular bail as the trial



is likely to take some time before the same concludes.

4. Notice of motion.

5. Mr. Manish Bansal, Advocate, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

6. Learned State counsel submits that the petitioner was declared proclaimed offender and was arrested after the challan was presented against him and the charges have not yet been framed against the petitioner but concedes the factum that no recovery has been done from the petitioner of any contraband and petitioner has only been roped in on the basis of the disclosure statement of co-accused, namely, Lovepreet Kaur.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. Once, the petitioner has not been named in the FIR and no recovery of any contraband has done from him and he has only been roped in on the basis of the disclosure statement of co-accused, namely, Lovepreet Kaur, which disclosure statement is yet to be proved during the trial coupled with the fact that charges are yet to be framed against the petitioner and he has already undergone incarceration for more than one year and seven months, no justifiable reason arises to keep the petitioner behind the bars during the entire period of trial, especially when learned counsel for the petitioner has undertaken before this Court that the petitioner will not influence the trial in any manner and will maintain good conduct, if he is granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

9. Present petition is allowed and the petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial



Court/Duty Magistrate concerned.

10. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 16, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No