

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(I) CRM-M-28554-2021 (O&M)

Jarmanjit Singh @ JugnuPetitioner
Versus
State of PunjabRespondent

(II) CRM-M-25338-2021 (O&M)

Bikramjit Kumar @ BobbyPetitioner
Versus
State of PunjabRespondent

(III) CRM-M-27764-2022 (O&M)

Amit Kumar @ BhaiyaPetitioner
Versus
State of PunjabRespondent

Date of Decision: 06.02.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Manveer Kahlon, Advocate, for the petitioner
in CRM-M-28554-2021.

Mr. V.K.Jindal, Advocate, for the petitioner
in CRM-M-25338-2021.

Mr. Umesh Aggarwal, Advocate, for the petitioner
in CRM-M-27764-2022.

Mr. R.S.Khaira, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
0128	09.10.2020	P.S. STF, SAS Nagar, Mohali	Section 21/25/29 of the NDPS Act

GURVINDER SINGH GILL, J.

1. This order shall dispose off the aforesaid three petitions filed on behalf of Jarmanjit Singh @ Jugnu, Bikramjit Kumar @ Bobby & Amit Kumar @ Bhaiya respectively, seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution, on 09.10.2020, a secret information was received by the police to the effect that Love Kapoor @ Lalli, Amit Kumar @ Baiya, Bikramjit Kumar @ Bobby and Jarmanjit Singh @ Jugnu were into the business of sale of 'heroin' and used to sell the same after procuring it and packaging it in small packets. The information was further to the effect that they used to undertake the said process of packaging in Flat No.92-FF situated in Maqboolpura area in the flats of Improvement Trust, Guru Tegh Bahadur Nagar. Pursuant to receipt of said information, a raid was conducted at the aforesaid premises, wherein all the 4 persons were found making small packets of 'heroin'. Total heroin recovered from the spot was found to be weighing 1 Kg. & 80 grams.
3. Learned senior counsel appearing on behalf of the petitioners submitted that they have falsely been implicated in the present case and cannot be attributed conscious possession of the allegedly recovered 'heroin'. It has further been submitted that since all the petitioners have been behind bars for a substantial period of more than 3 years and the trial is not making any headway, they cannot be detained for an indefinite period.

4. Opposing the petitions, learned State counsel has submitted that since a commercial quantity of 'heroin' was recovered from the petitioners, no leniency is warranted in the matter of grant of bail. Learned State counsel has not disputed the custody period undergone by the petitioners. Learned State counsel has, however, informed that while one of the petitioners, namely, Bikramjit Kumar @ Bobby stands involved in 1 more case under the NDPS Act, the other petitioners, namely, Jarmanjit Singh @ Jugnu and Amit Kumar @ Bhaiya are not involved in any other case. It has also been informed that as on date only 3 PWs out of cited 13 PWs have been examined.
5. This Court has considered rival submissions.
6. The petitioners have been behind bars for a substantial period of more than 3 years & 4 months. Conclusion of trial will take some time inasmuch as only 3 PWs out of cited 13 PWs have been examined so far. In these circumstances, further detention of the petitioners will not serve any useful purpose. All the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on all the connected files.

06.02.2024

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**(GURVINDER SINGH GILL)
JUDGE**

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