



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

CRM-M-26135-2023

Date of decision : 05.08.2024

Jaswinder Singh @ Jass

.....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. D.N. Ganeriwala, Advocate and
Mr. Keshav Kapoor, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court by way of present third petition praying for grant of regular bail in case FIR No.144 dated 08.11.2019, under Section 22 of NDPS Act, 1985, registered at Police Station Jhabal, District Tarn Taran.

It has been contended by counsel for the petitioner that petitioner was arrested in the abovesaid FIR. He submits that as per the case of the prosecution, a secret information was received by the police wherein the petitioner was informed to be coming with the contraband on motorcycle. On laying the naka, petitioner was stopped by the police and on checking of the plastic bag being carried out by him, 50,000/- tablets of the contraband i.e. Tramadol were recovered. He submits that on registration of the FIR, the investigation commenced and petitioner was arrested on the spot. Thereafter, petitioner approached the Court of learned Judge, Special Court, Tarn Taran, praying for grant of bail. However, after hearing counsel for the parties, learned Judge, Special Court declined the same vide order dated 27.05.2020.

Thereafter, petitioner approached this Court twice however, his both the



petitions were dismissed as withdrawn and hence, petitioner has filed the present petition. He submits that petitioner remained behind bars from the date of his arrest i.e. 08.11.2019 for 04 years and there is no material progress in the trial, hence, petitioner was granted the interim bail by this Court vide order dated 30.01.2024. He submits that petitioner as on date is on interim bail and he has not misused the concession of interim bail granted and is regularly appearing before the trial Court. He submits that though the petitioner is involved in two other cases however, he is on bail in both the cases. He submits that custody of the petitioner is 04 years and the trial is still in progress and will take sufficient time for its conclusion. In these circumstances, interim bail granted to the petitioner is liable to be made absolute.

Learned counsel for the State on the other hand has submitted that petitioner was arrested on 08.11.2019. However, he has drawn the attention of this Court to the status report filed where examination-in-chief of the police official was recorded however, he submits that there is nothing on record to show that petitioner has ever misused the concession of interim bail.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that petitioner was arrested on 08.11.2019 and during this period though challan was presented and the charges were also framed. When the trial was proceeding slowly, this Court granted interim bail to the petitioner on 30.01.2024. As on date, the trial is still in progress. There is nothing on record to show that petitioner has ever misused the concession of bail.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by



both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, interim bail granted vide order dated 30.01.2024 is made absolute and the petitioner is ordered to be released on bail on his furnishing fresh bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

Petition stands allowed.

05.08.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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