



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

CRM-M No.25397 of 2024
Date of decision: 22nd August, 2024

Jaswant Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nikhil Kumar, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.368 dated 01.11.2020 under Section 22-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sohana, District SAS Nagar.

2. Learned counsel for the petitioner submits that after registration of the FIR in question, the trial Court had enlarged the petitioner on bail. He had been regularly appearing before the trial Court, however, on one date inadvertently he absented himself as a result of which his bail was cancelled; thereafter, he surrendered before the trial Court pursuant to an order passed by this Court and moved an application for regular bail. Vide impugned order (Annexure P-2) bail application of the petitioner was declined on 14.03.2024.



3. Learned counsel submits that the petitioner has been falsely implicated in the present case which is also evident from the fact that he is not involved in any other criminal case except for the present one. It has still further been submitted that trial would take considerable time to conclude as only 1 prosecution witness out of the 14 cited has been examined till date. A prayer has therefore, been made for extending the concession of bail to the petitioner, as his further incarceration would serve no useful purpose.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the petitioner had indeed been enlarged on bail after registration of the present FIR. It has, however, been submitted on instructions, that recovery of 960 tablets of Lomotil was affected from the petitioner. Stage of the trial as well as custody period of the petitioner has also not been disputed by the learned State counsel, on instructions.

5. On a pointed query, learned State counsel has not controverted that the petitioner is not involved in any other criminal case.

6. I have heard learned counsel for the parties and perused the relevant material on record.



7. The petitioner has now been in custody since 08.03.2024 and the trial would take considerable time to conclude as 13 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

August 22, 2024
rps

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