



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229

CRM-M-30570-2024
Decided on : 04.07.2024

JARNAIL SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Brijesh Nandan, Advocate
for the petitioner(s).

Mr. Karunesh Kaushal, AAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.122 dated 06.09.2023 registered under Section 21(C) 29/61/85 of NDPS Act, registered at Police Station Jhabal, District Tarn Taran.

2. Learned counsel for the petitioner submits that it is alleged in the FIR that 258 grams of heroin was recovered from co-accused Karandeep Singh and Kamaldeep Singh, who were arrested from the spot by police officials and the name of the petitioner only surfaced on the basis of disclosure statement made by co-accused. He further submits that petitioner has been falsely implicated in the present case. He also submits that both the co-accused have already been granted concession of regular bail by Co-ordinate Bench of this Court vide order dated 22.04.2024 passed in CRM-M-58183-2023 and CRM-M-58222-2023 and he is identically footed.

3. The learned counsel for the petitioner also submits that the petitioner has been languishing in jail since 18.11.2023 and there is no likelihood of the trial concluding anytime soon, inasmuch as, out of total 14 prosecution witnesses, none has been examined till date.



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4. Lastly, the learned counsel for the petitioner has placed reliance upon the judgments rendered in the cases of *“Prahlaad Singh Vs State of Haryana” 2020 2 RCR Criminal 597, “Jorawar Singh Vs. State of Punjab” and “Nirbhay Singh Vs. State of Punjab”*.

4. Learned State counsel has filed the custody certificate dated 03.07.2024 in Court today, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 07 months and 15 days and there are two other cases pending against him. However, in both of them, he is not on bail. Moreover, on instructions he submits that challan has been presented on 16.04.2024 and charges have not yet framed. He also submits that out of total 14 prosecution witnesses, none has been examined till date. In view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner is in custody since 18.11.2023. Out of total 14 witness, no prosecution witnesses have been examined and further incarceration of the petitioner would not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

(I) *The petitioner will not tamper with the evidence during the trial.*

(II) *The petitioner will not pressurize/intimidate the prosecution witness(s).*

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(III) *The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.*

(IV) *The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.*

(V) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.*

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

July,04 2024

Kavita Nain

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