



CRM-M-30893-2024

[1]

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

[233]

CRM-M-30893-2024

Date of decision: 08.08.2024

Jaswinder Singh @ Prince

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jagdish Singh Mahal, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0058 dated 03.06.2023 for offences punishable under Sections 21(b), 27(a) of the Narcotic Drugs and Psychotropic Substances Act, 1985 IPC and Section 25 of the Arms Act, 1959(Section 29 of the NDPS Act added later on), registered at Police Station Sadar Dhariwal, District Gurdaspur.

2. Learned counsel for the petitioner submits that a false case has been planted upon him. He further submits that recovery of 150 grams of heroin along with one fire arm and three live cartridges and Rs.30,200/-, as drug money, was allegedly effected from the co-accused, who was pillion riding behind him. Learned counsel has also submitted that the petitioner was unaware about the contraband being carried by the co-accused who had merely taken a lift from him. However, he submits that even assuming for the sake of arguments,

though not conceded, that the petitioner had some involvement in the



crime in question, the alleged recovery is much less than the minimum classified as commercial under the Act.

3. It has been further submitted that the petitioner is not involved in any other case under the NDPS Act, which further lends credence to his innocence. It has also been argued by the learned counsel for the petitioner that the investigation in the present case is complete, as not only the challan stands presented but even charges framed, however, none of the 14 witnesses cited by the prosecution have been examined. Hence, there is no possibility of the trial concluding in the near future.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SHO Baljeet Kaur, has submitted that the petitioner and co-accused were riding on the same motorcycle; after due compliance with all the mandatory provisions, the petitioner and the co-accused were apprehended and the aforesaid recovery was effected from them. It has however not been disputed by the learned State counsel that the petitioner is not involved in any other case under the NDPS Act though one case under the Arms Act stands registered against him.

5. On a further query, learned State counsel has also not disputed the stage of trial.

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



CRM-M-30893-2024 -3-

7. The petitioner has been in custody since 04.06.2023; the investigation in the present case is complete, as challan stands presented. Since there is no likelihood of the trial concluding in the near future, as the prosecution evidence is likely to commence only on 20.08.2024, therefore, further incarceration of the petitioner would serve no useful purpose,

8. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

AUGUST 08, 2024
*Anjal**

(MANJARI NEHRU KAUL)
JUDGE

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