

**CRM-M-31406-2024 (O&M)****1****242****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-31406-2024 (O&M)
Decided on : 01.10.2024****JAGMEET SINGH ALIAS KATTA**

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Achin Gupta, Advocate and
Mr. Karan Bansal, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 of Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.18 dated 20.01.2024, registered under Section 22 of NDPS Act, at Police Station City Faridkot, District Faridkot.

2. The brief facts of the present case are that on 20.01.2024, co-accused Ramjit Singh was arrested with 37,000 intoxicating tablets on the basis of secret information. Co-accused Ramjit suffered a statement and stated that he was going to supply the contraband to the present petitioner. Petitioner-Jagmeet Singh was also arrested and revealed that he had been introduced to a narcotics supplier in Karnal by co-accused Kulwinder Kaur's deceased husband.

3. Learned counsel for the petitioner submits that the petitioner has been

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falsely implicated in the case and, upon learning that his name was involved by the police, he voluntarily surrendered in court on 25.01.2024. It is further submitted that no recovery was made from the petitioner and the alleged recovery was from co-accused Ramjit Singh. The petitioner has already undergone an actual custody of 08 months and 05 days and there is one case registered against him, in which he is on bail. He further submits that co-accused-Kulwinder Kaur has been granted anticipatory bail by the Co-ordinate Bench vide order dated 20.05.2024 passed in CRM-M-8622-2024.

4. Per contra, learned State counsel opposes the submissions made by the learned counsel for the petitioner on the ground that the alleged contraband recovered from the conscious possession of the petitioner, falls within the ambit of commercial quantity, as such, in view of the embargo created by Section 37 of the NDPS Act, the petitioner is not entitled to the concession of regular bail. Learned State counsel has filed the reply dated 30.09.2024 and custody certificate dated 30.09.2024 in Court today, which are taken on record. As per the custody certificate, the petitioner has undergone actual custody of 08 months and 05 days and there is one other case registered against him, however he is on bail in that case. He further on instructions submits that the challan was presented on 17.07.2024 and out of total 25 prosecution witnesses, none has been examined till date.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the investigation of the case is complete and charges were framed on 29.01.2024 and challan was presented on 17.07.2024 and out of total 25 prosecution witnesses, none has been examined till date. The petitioner has

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undergone actual custody of 08 months and 05 days and there is one other case registered against him, however he is on bail in that case and co-accused- Kulwinder Kaur has been granted anticipatory bail by the Co-ordinate Bench vide order dated 20.05.2024 passed in CRM-M-8622-2024. The conclusion of the trial will take considerable time and further incarceration of the petitioner is not required as a prima facie satisfaction under Section 37 NDPS can be recorded in the aforementioned factual scenario.

7. 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).
- (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 acts to the Court or to any police officer or tamper with the evidence.

8. 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.



9. 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.
10. Pending application(s), if any, also stands disposed of accordingly.

01.10.2024
Kavita

(KIRTI SINGH)
JUDGE

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