

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 45408 of 2023 (O&M)
Date of Decision: 13.02.2024

Jagsir Singh @ Babbu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karandeep S. Sidhu, Advocate
for the petitioner.

Mr. Rahul Solanki, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 83 dated 26.06.2023, under Sections 21/29 of NDPS Act, 1985, registered at Police Station Vairoke District Fazilka, wherein he was implicated against the alleged recovery of 50 grams of *heroin*.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while submitting that the petitioner is a habitual offender and is involved in three more cases of similar nature.

[3] I have heard learned counsel for the parties and gone through the paper-book.

[4] In the present case, the recovery of contraband is admittedly of non-commercial in nature and the investigation already stands concluded with the filing of challan followed by framing of charges. The petitioner is already behind the bars for the past almost seven and half months and the trial may take some time. As regards the three other cases pending against the petitioner, he stands acquitted in two cases while facing trial in one case which relates to non-commercial quantity. Considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

[5] In view of the above, but 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 Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[6] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

[7] Pending miscellaneous application(s), if any, shall also disposed off.

February 13, 2024

'dk kamra'

**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>