



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44322-2024

Date of Decision:-21.10.2024

JAGIR SINGH ALIAS GHOGA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Ms. Manpreet Kaur, Advocate for
Mr. Davinder Singh, Advocate
for the petitioner(s).

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.78 dated 12.07.2023 registered under Sections 22(b) of NDPS Act at Police Station City Nakodar, District Jalandhar (Rural).

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that the alleged recovery of Etizolam was not made from his conscious possession but from a bag which was lying along the road side. It has been submitted that even after being intercepted by the police no recovery of any contraband was affected from the person of the petitioner. Learned counsel submits that after the petitioner was arrested in the present case on 12.07.2023, the trial had been proceeding at a very slow pace as only one prosecution witness had



been examined after the charges were framed more than a year back on 10.10.2023. It has been thus prayed that in the aforesaid facts and circumstances more so when the petitioner has no previous criminal antecedents, the petitioner deserves to be enlarged on bail as the possibility of the trial concluding in the near future seems remote.

3. Per-contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Rajinder Pal Singh has not been able to dispute the custody period of the petitioner as well as the stage of trial. Learned State counsel on further instructions has submitted that one prosecution witness out of the 9 cited has been examined till date and the next date fixed before the trial Court is 30.11.2024 when some more witnesses are likely to be examined. On a further query, learned State counsel on instructions has not disputed that the petitioner has no previous criminal antecedents. However, it has been argued by the learned State counsel that the petitioner was apprehended on suspicion by the police when he, on seeing a police barricade threw a purse containing the alleged contraband from which the recovery was affected of 170 loose tablets of Etizolam.

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

5. The petitioner has been in custody since 12.07.2023, the trial has not made much headway after the charges were framed on 10.10.2023 as the case is being adjourned on account of repeated non-appearances of the prosecution witnesses. In the facts and circumstances, as enumerated herein-above, 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 here-in-above shall not be construed to be an expression of opinion on the merits of the case.

6. 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.

21.10.2024
Gaurav Sorot

(MANJARI NEHRU KAUL)
JUDGE

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