



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-47175-2024
Date of decision: September 26th, 2024

Jashanpreet Singh
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.7 dated 19.01.2024 under Sections 21, 29 of the NDPS Act, 1985, registered at Police Station Chattiwind, District Amritsar Rural.

2. Learned counsel for the petitioner submits that on the face of it, the petitioner has been framed in the present case, which is evident from the fact that he has no previous criminal antecedents; the alleged recovery of 270 grams of heroin was allegedly affected even as per the case of the prosecution from the personal search of co-accused Ram Singh, who was merely visiting the house of the petitioner at the time of the alleged raid. Learned counsel submits that no doubt, co-accused Ram Singh was indeed found present in the petitioner's house, however, being a co-villager, his presence at his house could not be doubted. Learned counsel has further submitted that since challan stands presented and charges also stand framed, further incarceration of



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the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner as well as the stage of trial. It has also not been disputed that the contraband was recovered from the person of the co-accused.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he, while drawing the attention of this Court to the custody certificate, which has been filed in Court today, has replied in the negative.

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

6. The petitioner has been in custody since 19.01.2024. The trial is unlikely to conclude in the near future as the case is fixed before the trial Court on 01.10.2024, when the prosecution evidence is likely to commence.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

September 26th, 2024

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No