



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

CRM-M-47985-2024

Date of decision: 30.09.2024

Jassa Singh @ Kajja

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Prince Goyal, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in a criminal case having FIR No.77 dated 22.06.2022, under Section 22 of NDPS Act, Police Station, Kot Ise Khan, District Moga.

2. The allegations in nutshell are that police recovered 50 strips each containing 10 tablets of Etizolam 0.50 mg from petitioner on 22.06.2022. The petitioner was arrested at the spot.

3. The counsel for the petitioner inter alia submits that petitioner was falsely implicated in the present case and is in custody for the last more than 2 years and 2 months and is not involved in any other criminal case under NDPS Act. It is further submitted that no doubt, trial is pending, but till date, prosecution is able to examine only one witness while two other witnesses are partly examined and it will take time for the trial to conclude. It is further submitted that in the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner.

4. The present petition is contested by the State counsel who on instructions from ASI Harjinder Singh submits that the present case involves recovery of commercial quantity of medical intoxicants and the



same are covered under stringent provision of Section 37 NDPS Act. However, the State counsel has not disputed the fact that the petitioner is in custody for last more than 2 years and 2 months and till date, prosecution is able to examine 3 witnesses out of which 2 witnesses are partly examined. The State counsel also apprised the Court that the petitioner is having no criminal antecedents under NDPS Act.

5. I have considered the submissions made by counsel for the parties.

6. Admittedly, the petitioner is in custody for the last more than 2 years and 2 months and is not involved in any other criminal case under the NDPS Act and it will take time for the trial to terminate. There is nothing on the record to show that delay in trial has occurred due to conduct of the petitioner and as such, he is not responsible for the delay if any, is there in the trial. In view of the fact that the trial is being delayed, embargo provided under Section 37 of NDPS Act can be diluted to an extent and the petitioner can be enlarged on bail, keeping in view the right to a speedy trial as envisaged under Article 21 of the Constitution of India.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. However, in case, the petitioner is found involved in some other case of drug trafficking, in future, then prosecution will be at liberty to seek cancellation of his bail in the present case.

30.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**