

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-58142-2023
Date of Decision : January 15, 2024

JUGDEEP SINGH ALIAS JAGDEEP SINGH ALIAS JAGGA

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Lovish Rattan, Advocate
for the petitioner.

Mr. Jashandeep Singh, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.184 dated 18.08.2018, under Section(s) 21, 22, 25, 29 (Section(s) 61/85 added subsequently) of the N.D.P.S. Act, 1985, registered at P.S. Chheharta, District Amritsar.

2. The learned counsel for the petitioner, in his asking for the relief (supra), submits that upon arrest of the petitioner on 18.08.2018, he was granted the concession of regular bail, on 25.01.2019, by the learned trial Court. Thereafter, the petitioner was regularly appearing before the learned trial Court, however, he could not appear on 10.01.2023, which led to cancellation of his bail. What led to his absence on 10.01.2023, was that, he inadvertently noted down wrong date of hearing and therefore, his

absence was *bona fide*. Resultantly, the petitioner was arrested on 19.04.2023 and he has been in custody since then.

3. The learned State counsel, though has not contested the above made factual submissions of the learned counsel for the petitioner, however, he has opposed the grant of bail to the petitioner, on the ground, that he is involved in one more case, i.e. FIR No.41/18, under Sections 307/452/427/148/149 of the IPC, registered at P.S. Fatehgarh Churrian. To substantiate this argument, he has placed on record the custody certificate of the petitioner, as issued by the Superintendent of Central Jail, Amritsar.

4. Also, the learned State counsel, on instruction imparted to him by A.S.I. Sarvan Singh, has intimated this Court that though charges have already been framed by the learned trial Court on 18.12.2023, however, no prosecution witness, out of total 16 prosecution witnesses, has yet been examined.

5. Considering the hereinabove made submissions, especially the fact that (i) the petitioner was earlier granted the concession of regular bail by the trial court, which was cancelled owing to his inadvertent absence; (ii) the petitioner, as is evident from custody certificate (*supra*), has undergone actual custody of approx. 01 year 05 months and 10 days; (iii) the trial is moving at a snail's pace and is not likely to conclude anytime soon, as none of the prosecution witnesses has yet been examined, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the

satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

January 15, 2024
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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No