



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

CRM-M No.54901 of 2024

Date of decision: 11th November, 2024

Jagnam Singh @ Janni

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurinder S. Hayer, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is the second petition filed by the petitioner seeking the concession of bail under Section 483 BNSS in case FIR No.116 dated 21.08.2023 under Sections 22(b), 27, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that after the previous petition was withdrawn on 24.04.2024, trial had not made much headway as only 2 prosecution witnesses out of the 18 cited, stood examined, hence, possibility of the trial concluding in the near future looked remote. It has been further argued by learned counsel that the petitioner was allegedly apprehended on suspicion and thereafter, a recovery of 300 tablets of Tramadol (non-commercial quantity) was shown to have been affected from him. He submits that although the

petitioner is involved in one other case under the NDPS Act, however, in that case also the alleged recovery affected was much below the commercial quantity. Learned counsel has submitted that in the aforementioned facts and circumstances, as 16 prosecution witnesses still remain to be examined, coupled with the nature of the recovery affected from the petitioner, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner as well as the stage of trial. On a pointed query put to the learned State counsel as to whether any other recovery of contraband was affected from the petitioner after he was arrested and the aforementioned recovery of 300 tablets of Tramadol affected, he on instructions has replied in the negative. However, it has been submitted that the petitioner is involved in three other criminal cases including one under the NDPS Act, one under the Excise Act and another for offences punishable under Section 353 IPC etc.

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

5. The petitioner has now been in custody since 21.08.2023. After charges were framed on 22.11.2023, the trial has been proceeding at a slow pace as only 2 witnesses out of the 18 cited by the prosecution have been examined so far. The alleged recovery has been classified as

non-commercial under the NDPS Act. In the facts and circumstances, as enumerated hereinabove, 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 hereinabove 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.

(MANJARI NEHRU KAUL)
JUDGE

November 11, 2024
rps

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