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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-1494-2025
Date of decision:-05.02.2025

JAGRAJ SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. P.S Ahluwalia, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed status report by way of affidavit dated 04.02.2025 of Deputy Superintendent of Police, Sub-Division Budhlada, District Mansa, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant second petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
7	10.01.2024	18 (c), 25 of the NDPS Act	Sadar Budhlada, District Mansa

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and



no alleged recovery ever took place from the petitioner. The petitioner was arrested on 10.01.2024 and since then he is custody and after completion of investigation, challan has already been presented in Court which is pending trial. He contends that as per the case of the prosecution it is alleged that the petitioner was keeping in his possession 2 kg 800 gram of opium when apprehended by the police, which is marginally above the commercial quantity. He further argued that the alleged recovery itself is doubtful as the recovery memo (Annexure P-4) does not bear the signatures of the petitioner to authenticate such recovery whereas on search memos prepared by the police bears his signatures. He contends that conclusion of trial will take sufficient long time, hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that the petitioner has been found keeping in his possession 2 kg 800 grams of opium , as such he does not deserve concession of bail, hence prayed for dismissal of the bail petition.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 10.01.2024 and after completion of investigation, challan has already been presented in Court where it is pending trial. Therefore, keeping in view the assertion made by learned counsel for the petitioner (*supra*) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining petitioner any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

05.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |