



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

204

CRM-M-18329-2024

Date of decision: 07.02.2025

Jaswinder Singh @ Jass @ Bobby

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab assisted by
ASI Kulwant Singh.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.77 dated 21.07.2023 under Sections 21, 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sudhar, District Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated due to a longstanding history of strained relations between his family and the officials of the concerned police station, where the present FIR was registered. It is submitted that the alleged recovery of 05 grams of heroin along with 1040 tablets of Tramadol was allegedly effected based on secret information. However, the mandatory provisions of the NDPS Act were not fully complied with, thereby casting serious doubts on the case of the prosecution.



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3. It is further submitted by learned counsel for the petitioner that the petitioner was arrested on 18.07.2023, and the charge sheet was presented on 26.10.2023, followed by the framing of charges on 09.11.2023. However, despite the lapse of considerable time, the trial has not concluded, with only 03 out of the 16 prosecution witnesses examined so far. The learned counsel has argued that the delay in trial is not attributable to the petitioner, and given the protracted nature of proceedings, there is no likelihood of its early conclusion. In these circumstances, it is urged that the petitioner be granted bail.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, from ASI Kulwant Singh, has not disputed the custody period of the petitioner. However, it is submitted that out of the remaining 13 prosecution witnesses, 02 have been given up, leaving 11 witnesses yet to be examined. The next date fixed before the learned Trial Court is 06.03.2025, when some more witnesses are likely to be examined. It has also been disputed that the petitioner has been falsely implicated in the present case. It has been submitted that a secret information was received qua the involvement of the petitioner and it is only thereafter the petitioner was apprehended and the alleged recovery made from him.

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

6. The petitioner has been in custody since 18.07.2023. 11 out of 16 prosecution witnesses are yet to be examined. Given the pace

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of proceedings, it is apparent that the trial is unlikely to conclude in the near future. The delay in the conclusion of the trial is not attributable to the petitioner. This Court, therefore, finds it appropriate to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

07.02.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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