

2025:PHHC:046536



224.

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

CRM-M-17321-2025

Date of decision: 04.04.2025

Jassu Ram @ Jasuram

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Sekhon, Advocate and
Mr. Kaushal Chahal, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.136, dated 17.08.2024, under Section 18 of NDPS Act, 1985, registered at Police Station Dharamkot, District Moga.

2. Learned counsel for the petitioner submits that the petitioner has been custody since 17.08.2024 in a case of chance recovery; the petitioner along with co-accused, Rawal Ram on being nabbed on suspicion were found to be in possession of 2 kgs 700 grams of opium. Learned counsel has asserted that the petitioner has no previous criminal antecedents and the recovery has been falsely planted upon them; even otherwise, the alleged recovery made from the petitioner and the co-accused is just marginally higher than the minimum classified as 'commercial' under the

NDPS Act. It has been submitted by the learned counsel that the investigation is complete qua the petitioner and after the charges were framed on 14.02.2025, none of the 14 prosecution witnesses have been examined so far. Hence, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jaspal Singh, has not disputed the custody period of the petitioner nor has he, on instructions, disputed that the petitioner has clean antecedents. However, it has been submitted by the learned State counsel that the recovered contraband has been categorized as 'commercial' under the NDPS Act, and hence, the bar under Section 37 of NDPS Act would come into play. Learned State counsel has further submitted that since the petitioner is a resident of Rajasthan, there is a general apprehension that in case he is enlarged on bail, he could abscond, leading to delay in the trial.

4. Learned counsel for the petitioner, however, submits that the petitioner may be put to any stringent conditions while being enlarged on bail. The petitioner undertakes to furnish two local sureties in case he is enlarged on bail.

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

6. The petitioner, as not disputed by the learned State counsel, has no previous criminal antecedents; the alleged recovery made from the petitioner and co-accused is 2.7 kgs of opium, which is 200 grams more than the minimum classified as 'commercial' under the NDPS Act. After

the charges were framed on 14.02.2025, the case now stands adjourned to 27.04.2025 when in all likelihood, the prosecution evidence is likely to commence. Therefore, the possibility of the trial concluding in the near future looks remote, with as many as 14 witnesses being cited.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, the trial Court may impose any stringent condition as it deems fit, including furnishing of two local sureties to ensure the presence of the petitioner during trial.

9. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 04, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No