



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

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CRM-M-23547-2024

Date of decision: 15.01.2025

JASWINDER SINGH @ GULLU

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Verma, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.96 dated 14.07.2023 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kot Ise Khan, District Moga.
2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that firstly he has no previous criminal antecedents and secondly the alleged recovery was made from a polythene packet which as per the prosecution case had been thrown on the ground by the petitioner. It has been further submitted that in the circumstances, it is evident that no recovery of any contraband had been affected from the conscious possession of the petitioner. Still further, it has been submitted that although the challan was presented way-back on 29.09.2023 and charges framed on 06.10.2023, however till date



the trial had not concluded as it is a matter of record that only three prosecution witnesses out of the 13 cited had been examined till date. It has been contended by the learned counsel that the trial has been delayed on account of reasons not attributable to the petitioner. Hence, he deserves to be extended the concession of regular bail. In support, learned counsel has placed reliance upon judgments of Hon'ble the Supreme Court passed in the cases of **Rabi Prakash versus The State of Odisha 2023 Live Law (SC) 533**, **Dheeraj Kumar Shukla vs. The State of Uttar Pradesh, Special Leave to Appeal (Crl.) No(s).6690/2022** and **Mohd Muslim @ Hussain Versus State (NCT of Delhi) 2023 LiveLaw (SC) 260** wherein almost in identical circumstances on account of the trial being delayed for reasons not attributable to the accused, Hon'ble the Supreme Court had extended the concession of bail to the accused therein, despite the recovery of contraband which had been classified as commercial under the Act.

3. Custody certificate filed by the learned State counsel in Court today is taken on record subject to all just exceptions. Copy thereof has been supplied to the counsel opposite.

4. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, has not disputed the custody period of the petitioner as well as the stage of trial. However, it has been submitted, on instructions, that one prosecution witness has been given up with only 09 remaining to be examined. On a pointed query, it has not been disputed, on instructions, that the petitioner has no previous criminal antecedents.



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

6. The petitioner has been in custody since 14.07.2023. The petitioner is not stated to have any previous criminal antecedents; next date fixed before the trial Court is 23.01.2025 when some more witnesses are likely to be examined. The possibility of the trial concluding in the near future looks remote.

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

9. 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.

January 15, 2025
poonam

(MANJARI NEHRU KAUL)
JUDGE

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