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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40220-2024
Date of decision:-17.02.2025

JASWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Lakhwinder S. Lakhanpal, Advocate for the petitioner.

Mr. Jatinder Pal Singh, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
104	27.08.2020	21/25 NDPS, Act	Special Task Force, STF Wing, SAS Nagar, Mohali (City Taran Taran)

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern with the alleged recovery. He contends that even otherwise the alleged recovery effected from the petitioner is marginally higher than the non commercial quantity with which the petitioner has no concern. He contends that the petitioner is in custody

since 27.08.2020, after completion of investigation challan has already been presented in Court, wherein prosecution has cited 35 witnesses and till date none of them have been examined. Hence prayed for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 268 grams of heroin was recovered from the conscious possession of the petitioner, which falls within the purview of commercial quantity and there are other criminal cases registered against him, as such, he does not deserve concession of bail. However, he has not denied the fact that challan has been presented for trial in which prosecution has cited 35 witnesses and till date none of them have been examined in the trial Court.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 27.08.2020 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 35 witnesses and till date none of them have been examined in the learned trial Court. As regards the other cases registered against the petitioner are concerned, it is, pointed out by learned counsel for the petitioner that there were 4 NDPS cases wherein he has already been acquitted and moreover in the other cases for offence under Indian Penal Code petitioner has already been acquitted or sentenced to undergo imprisonment which has already been undergone. 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 the petitioner any longer.

6. 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.

7. 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.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

17.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |