



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

224

CRM-M-47886-2024

Date of decision: 04.03.2025

Gurjit Singh @ Bagga

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.0019 dated 28.01.2023 under Sections 22(c), 61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Giddarbaha, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that after the previous petition seeking similar relief was withdrawn on 30.04.2024, the trial had not been proceeded further with not even a single prosecution witness having been examined. In support, learned counsel has placed on record the zimni orders of the learned Trial Court wherein it stands reflected that after the charges were framed on 31.07.2023, only 03 prosecution witnesses had been examined out of the 18 cited; except for a couple of dates on all other dates the case was adjourned on account of the repeated non-appearance of the



CRM-M-47886-2024

prosecution witnesses, who in the present case are all official witnesses.

3. Learned counsel for the petitioner has further asserted that even otherwise it is a case of false implication; the petitioner was allegedly intercepted on suspicion and thereafter a recovery of 25 bottles of cough syrup were allegedly made from a bag which he was carrying with him at the relevant time. Learned counsel has contended that in the aforementioned facts and circumstances, since the petitioner has now been in custody for more than 02 years having been arrested on 28.01.2023, he deserves to be extended the concession of bail as his right to a speedy and fair trial has been compromised.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sukhdev Singh, has not disputed the custody period of the petitioner nor has it been disputed that as on date only 03 prosecution witnesses out of the 18 cited, have been examined. It has also not been disputed that the petitioner along with the co-accused were nabbed on suspicion and there was no secret information regarding their involvement in the drug trafficking. Learned State counsel on further instructions, has also not disputed the contents of the zimni orders which have been placed on record by the learned counsel for the petitioner today. However, learned State counsel has submitted that the recovery effected from the petitioner has been classified as 'commercial' under the NDPS Act; the petitioner has previously also been booked in other cases under the NDPS Act although in 02 of the cases he was discharged while in the third case he was convicted way



CRM-M-47886-2024

back in the year 2023 for two months.

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

6. The petitioner has been in custody for two years and a half years and there is no possibility of the trial concluding in the near future on account of the repeated absence of the prosecution witnesses before the learned Trial Court. Hon'ble the Supreme Court, in ***Rabi Prakash Vs. The State of Odisha : 2023 LiveLaw (SC) 533*** and ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** in identical circumstances, had granted the concession of bail to the petitioners therein even though the recovery effected from them was huge. In the facts and circumstances as enumerated hereinabove, this Court deems it fit 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.

04.03.2025

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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