

2025.PHHC.003402



223

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-50134-2023 (O&M)****Date of decision: 13.01.2025**

Jagdev Singh @ Jaggu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent: Mr. Armaan Gagneja, Advocate,
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking concession of regular bail under Section 439 Cr.P.C. in case FIR No.31 dated 31.05.2023 under Section 22 (c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Offence under Section 27 NDPS Act stands added lateron) registered at Police Station Lakhewali, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that the petitioner was allegedly apprehended with 35 tablets of Entizolam, on suspicion by the police. It has been contended by learned counsel for the petitioner that a totally false and fabricated case has been planted upon the petitioner, who has been in custody since 3.105.2023. It has still further submitted that the trial has made little progress ever since the charges were framed way back on 23.05.2024 as only one prosecution witness out of the 19 cited has been partially examined.

3. Learned counsel for the petitioner submits that the recovered

2025.PHHC.003402



contraband is just marginally higher than the minimum classified as Commercial under the Act. It is also asserted that no other case under the NDPS Act is pending against the petitioner. A prayer has, therefore, been made that in the aforementioned facts and circumstances, more so, when the delay in the trial is for reasons not attributable to the petitioner, he deserves to be extended the concession of bail as there is no possibility of the trial concluding in the near future. In support, learned counsel for the petitioner has place reliance upon the judgments passed by the Hon'ble Supreme Court in *Rabi Prakash vs. The State of Odisha, 2023 LiveLaw (SC) 533* and *Dheeraj Kumar Shukla vs. The State of Uttar Pradesh, Special Leave to Appeal (Crl.) No. 6690 of 2022* decided on 25.01.2023, wherein in almost identical facts and circumstances, on account of the undue delay in the conclusion of the trial, the Hon'ble Supreme Court had done away the bar created under Section 37 of the NDPS Act and extended the benefit of bail to the petitioner.

4. Learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, nor has he disputed the stage of trial. However, it has been submitted that the next date fixed before the trial Court is 21.02.2025 when the evidence of the prosecution witnesses shall be recorded. Learned State counsel, on instructions, has also not disputed that the petitioner is not facing any case under the NDPS Act as on date.

5. Heard and perused the relevant record.

6. The petitioner was apprehended by the police on suspicion leading to the alleged recovery of contraband which as per the conceded case of the prosecution is just marginally higher than the minimum classified as commercial under the Act. As many as 19 witnesses have been cited by the prosecution,



however, till date only one prosecution witness has been partially examined. The trial, therefore, is unlikely to conclude in the near future.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/ Duty Magistrate concerned. However, it is made clear that anything observed here-in-above shall not be construed to be an expression of opinion on the merits of the case.

13.01.2025
Satyawan

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No