

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

2025:PHHC:027407



(222)

CRM-M-50657-2024

Date of Decision: 25.02.2025

Jaskaran Singh @ Golu

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Ankit Bishnoi, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 439 of Cr.P.C., in case FIR No.86, dated 17.11.2022, under Section 22(C) of NDPS Act, registered at Police Station, City Kurli, District SAS Nagar.

Learned counsel for the petitioner submits that the petitioner was allegedly intercepted on suspicion and thereafter a recovery of 22 ML of Buprenorphine injections shown to be recovered from the conscious possession of the petitioner. Counsel has asserted that the petitioner is innocent and has been falsely implicated in the present case; the recovery allegedly effected from the petitioner is just marginally higher than the minimum classified as commercial under the Act. Counsel has still further argued that after the challan was presented on 10.04.2023, charges were framed on 08.08.2023, however, till date only 3 prosecution witnesses out of the 12 cited have been examined and thus there was no possibility of the

trial concluding in the near future. Counsel has submitted that the trial has been delayed on account of the repeated non-appearance of the prosecution witnesses, who in the present case are police officials; despite issuance of bailable/non-bailable warrants to secure the presence of these witnesses, they have not put in appearance. Learned counsel has submitted that in the given circumstances the petitioner cannot be made to languish in custody to await the appearance of the prosecution witnesses and it amounts to his right to speedy and fair trial being compromised.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel for the petitioner has not disputed the custody period of the petitioner nor has it been disputed, on instructions, that as on date only 4 prosecution witnesses out of 12 cited have been examined, even though charges were framed way back on 08.08.2023. Learned State counsel, however, has reiterated that the petitioner was nabbed on suspicion and thereafter a recovery of 11 injections of Buprenorphine measuring 2 ML each was effected after due compliance of the mandatory provisions of the Act; hence, there was no question of the petitioner being falsely implicated in the present case. Learned State counsel has submitted that the next date fixed before the Trial Court is 04.03.2025 when some more witnesses have been summoned and there is every likelihood that they would be examined. However, on further instructions learned State counsel has not disputed that despite of issuance of bailable/non-bailable warrants to secure the presence of the prosecution witnesses, they have been absenting themselves before the Trial Court.

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

The petitioner has been in custody since 17.11.2022 in a case of chance recovery. The recovery allegedly effected from the petitioner is just marginally higher than the minimum classified as commercial under the Act. The possibility of the trial concluding in the near future seems remote in view of the repeated non-appearance of the prosecution witnesses.

In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to grant to the petitioner the concession of bail.

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.

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.

(MANJARI NEHRU KAUL)
JUDGE

25.02.2025

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