



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

107+228

CRM-M-52166-2024 (O&M)

Date of decision: 10.01.2025

Jagsir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

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For the reasons mentioned in the application, the same is allowed and copies of zimni orders of the learned Trial Court from 08.01.2024 onwards are taken on record as Annexure P-3 (colly.), subject to all just exceptions.

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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.47 dated 04.07.2023 under Sections 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Rampura, District Bathinda.

2. Learned counsel for the petitioner has reiterated the submissions made by him on the previous date of hearing that even



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though the challan was presented against him in the present case way back on 27.09.2023 followed by framing of charges more than a year back on 13.11.2023, however, out of the 15 witnesses cited by the prosecution, only 01 witness had been examined till date. While further drawing the attention of this Court to the zimni orders, which have been placed on record by way of **CRM-324-2025**, learned counsel has submitted that a perusal of the zimni orders reveal that it is on account of the repeated absence of prosecution witnesses that there has been an inordinate delay in the conclusion of the trial. It has also been submitted that on a couple of datesailable warrants had been issued to secure the presence of the prosecution witnesses, who are all police officials, however, yet again for reasons best known to the prosecution, these witnesses had absented themselves and not stepped into the witness box to get their evidence recorded. Learned counsel has submitted that since this is a case of false implication and the petitioner has no previous criminal antecedents, the petitioner deserves to be enlarged on bail as it is on account of irregular appearances of the prosecution witnesses, the petitioner's right to a fair and speedy trial is being compromised. Learned counsel has submitted that in identical circumstances, Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** had extended the concession of bail to the accused therein by dispensing with the conditions of Section 37 of the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions, has not disputed that the



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petitioner was apprehended on 04.07.2023 on the basis of suspicion. Learned State counsel has also not disputed the stage of the trial neither has he, on instructions, disputed the contents of the zimni orders, which have been placed on record today. However, it has been asserted that the recovery effected from the petitioner was 4950 tablets of Tramadol which is huge and classified as 'commercial' under the NDPS Act.

4. On a pointed query put to the learned counsel for the State as to whether the petitioner has any previous criminal antecedents, he, on instructions, has replied in the negative. On further instructions, he has submitted that the next date fixed before the learned Trial Court is 24.01.2025 when some prosecution witnesses have been summoned to depose.

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

6. The petitioner has been in custody since 04.07.2023. It is a matter of record that the prosecution witnesses, who in the present case, are police officials have been irregular in their appearances before the Trial Court. 14 prosecution witnesses still remain to be examined. The petitioner is not stated to be involved in any other case under the NDPS Act. Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh (SLP(Crl.) No.6690/2022)*** decided on 25.01.2023 has observed as under:-

“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section



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37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. 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.

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 same.

10.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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