

2025:PHHC:045683



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

228

CRM-M-61366-2024

Date of decision: April 03, 2025

SAJJALPREET SINGH @ SAJJANPREET SINGH @ TIKKA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.56 dated 26.03.2022 (Annexure P-1) under Sections 21 of the NDPS Act (Section 21(C) and 25 of NDPS Act added later on), registered at Police Station STF, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner submits that pursuant to an alleged secret information received by the police, the petitioner was intercepted leading to a recovery of 265 grams of heroin. It has been contended by the learned counsel that the petitioner has been falsely implicated in the present case. Furthermore, even assuming for the sake of arguments, though not conceded, that any such recovery was indeed effected from the petitioner, it is just marginally higher than the minimum prescribed as 'commercial' under the NDPS Act. Learned counsel submits that even though challan was presented way back on 10.08.2022 and charges were thereafter framed on 04.01.2023, however, the trial had been inordinately delayed on account of the repeated non-appearance of the prosecution



witnesses, who in the present case, are all police officials; on some of the dates, the petitioner was not produced by the jail authorities, as a result of which, the case had to be adjourned before the learned trial Court.

3. Learned counsel for the petitioner has, in support, drawn the attention of this Court to the zimni orders, which have been annexed as Annexure P-3. He has still further contended that a perusal of some of the zimni orders of the learned trial Court reveals that on a few dates, bailable/non-bailable warrants had to be issued to secure the presence of the prosecution witnesses, however, yet again, they had been irregular in their appearance. Learned counsel submits that in the circumstances, the petitioner's right to a speedy trial has been compromised, for which, he deserves to be enlarged on bail. In support, learned counsel has placed reliance upon ***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]***, wherein Hon'ble the Apex Court in almost identical circumstances had extended the concession of bail to the accused on account of inordinate delay in the conclusion of the trial even though the recovery effected had been classified as 'commercial' in the said cases; Hon'ble the Apex Court had dispensed with the conditions of Section 37 of the NDPS Act in the said cases.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has neither disputed the custody period of the petitioner nor has he disputed the contents of the zimni orders, which have been annexed along with this petition. However, learned State counsel submits that 6 prosecution witnesses out of 13 cited by the prosecution stand examined while 3 have been given up; next date before the learned trial Court is 25.04.2025.

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



6. The petitioner has been in custody since 26.03.2022. The trial has been inordinately delayed on account of the repeated absence of the prosecution witnesses despite they being summoned by the learned trial Court throughailable/non-ailable warrants. It goes without saying that on account of the lackadaisical conduct of the prosecution witnesses, the constitutional right of the petitioner to speedy and fair trial has been compromised.
7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.
8. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.
9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

April 03, 2025

Jaspreet Kaur

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No