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

**CRM-M- 44134-2024
Date of decision:-08.04.2025**

JOGA SINGH**... Petitioner****Versus****STATE OF PUNJAB****... Respondent****CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Ms. Jasneet Mehra, Advocate for
Mr. L.M. Gulati , Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 07.04.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
0121	22.06.2024	22, 27 A of NDPS Act (29 of NDPS Act added later)	Ajnala, District Amritsar

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



contends that as per allegations levelled in the FIR, petitioner along with co-accused Major Singh was apprehended and alleged recovery of 1010 narcotic tablets alongwith ₹8810/- drug money was effected from the co-accused Major Singh with whom the petitioner has no concern and is in custody since 22.06.2024. He submits that after completion of investigation, challan has already been presented in Court and the conclusion thereof, will take long time, hence prayed for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that considering serious nature and gravity of offence petitioner is not entitled to concession of bail. However he has not disputed the fact that after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 22 witnesses and till date none of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution petitioner along with co-accused Major Singh was apprehended and alleged recovery of 1010 narcotic tablets alongwith ₹8810/- drug money was effected from the co-accused Major Singh. Admittedly no recovery has been effected from the petitioner and he is not having any other case registered against him under NDPS Act and is in custody since 22.06.2024. After completion of investigation, challan has already been presented in Court, wherein prosecution has cited 22 witnesses and till date none of them have been examined. Therefore, the conclusion of trial, to ascertain criminal liability, if



any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

08.04.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No