

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-7658 of 2018

Date of decision : April 25, 2018

Swaran Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Prateek Pandit, Advocate, for the petitioner

Mr. BS Sewak, Addl. AG Punjab for the State

Fateh Deep Singh, J. (Oral)

The allegations against the petitioner-Swaran Singh in the present fourth regular bail application are that on 15.5.2015, he was apprehended and from his possession 210 grams intoxicant powder subsequently analyzed to be Diphenoxylate has been recovered.

Learned counsel for the petitioner contended that the petitioner is behind the bars since more than 21 months and the trial is not likely to be concluded in near future though on behalf of the State the same is sought to be opposed on the ground that the petitioner is also facing other criminal cases under the NDPS Act and that being commercial quantity, do not entitle to bail.

Appreciating submissions keeping in view that the petitioner has been charged under section 22 of the NDPS Act and as per prima facie

allegations, the same is covered under section 21 of the NDPS Act and thus question of mistrial and the counsel has placed reliance on **Rakesh Kumar versus State of Punjab, CRM-32387-2015 in CRA-S-840-SB-2015**. In the light of the same, keeping in view the long incarceration of the petitioner and there is every likelihood of the trial being prolonged and it is the admitted stand of the State that the petitioner till date has not been convicted under the NDPS Act and in view of the law cited, impels this Court to allow the instant application. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Kapurthala, subject to furnishing of bail bonds with two heavy sureties.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

April 25, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No