

CRM-M-1212-2022

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

CRM-M-1212-2022

Date of decision:16.08.2022

Gurpreet Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.S.Sandhu, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.32 dated 11.04.2021, registered at Police Station Sadar Rampura, District Bathinda, under Section 22(c) NDPS Act.

Learned counsel for the petitioner contends that as per the case of the prosecution, 80 intoxicating tablets containing the salt of 'Etizolam', had allegedly been recovered from the petitioner; that earlier, 'Etizolam' was not a notified salt under the NDPS Act and notification in this regard was issued only on 23.03.2021, vide which the entry at Sr. No.238ZZC had been added in the Schedule of the NDPS Act; that the above-noted FIR was registered on 11.04.2021 i.e. 18 days after the aforesaid notification, but no publication qua the aforesaid notification had been issued.

Learned counsel further contends that the petitioner has falsely been implicated in the present case; that though the extent of recovery of

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intoxicating tablets allegedly effected in the present case, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 11.04.2021 and that out of 11 prosecution witnesses, none has been examined so far. In such circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much less of a similar nature. On this premise, learned counsel prays for the grant of bail to the petitioner. In support of his contentions, learned counsel relies upon the orders delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.5769-2022, titled as 'Nitish Adhikary @ Bapan Vs. State of West Bengal', on 01.08.2022 and Special Leave to Appeal (Crl.) No.4173-2022, titled as 'Shariful Islam @ Sarif Vs. State of West Bengal', on 04.08.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the aforesaid extent of intoxicating tablets recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. However, he does not dispute the custody period of the petitioner. It is also submitted that no witness has been examined so far.

I have heard the learned counsel for the parties.

After investigation, challan was filed way back on 08.07.2021. The charges were framed on 10.12.2021. However, out of 11 prosecution witnesses, none has been examined till date and there being no likelihood of completion of trial in the near future. The petitioner has been in custody since 11.04.2021. There are no past criminal antecedents of the petitioner.

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All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.08.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No