

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-4724-2020(O&M)

DATE OF DECISION: 07.01.2022

OMKAR SINGH

... Petitioner(s)

*Versus*

NARCOTIC CONTROL BUREAU AMRTISAR ... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mrs. Puneeta Sethi, Advocate for NCB.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

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**ANUPINDER SINGH GREWAL, J. (ORAL)**

Case taken up through video conferencing.

The petitioner is seeking regular bail in NCB Crime No.21 dated 31.03.2017, under Sections 8/21/23/29/60/61 of the NDPS Act, 1985, registered at District Amritsar.

Learned counsel for the petitioner contends that it is alleged that recovery of 21 grams heroin was effected from Innova car which was owned by co-accused Gurdev Singh. The petitioner is alleged to be travelling on the passenger seat. No recovery was effected from the person of the petitioner. He is not involved in any other case under the NDPS Act. He also contends that the first petition bearing CRM No.M-5584-2018 preferred by the petitioner was dismissed as withdrawn on 22.07.2019 as the counsel for the respondent-NCB had stated that only two prosecution witnesses remained to be examined but the prosecution evidence has not been closed till date. The petitioner is in custody for over 4 years and 9 months. There is no headway in the trial especially from July 22, 2019 when the first petition was dismissed and the delay cannot be attributed to the petitioner in any manner.

Learned counsel for the NCB, upon instructions from Investigating Officer Sujeet, contends that only 3 prosecution witnesses remained to be examined and they have been summoned for 02.02.2022. She also contends that in view of the serious allegations against the petitioner, he

is not entitled the concession of regular bail especially when the trial is nearing completion in view of Section 37 of the NDPS Act.

Heard.

The allegations are that the petitioner was travelling in the car which was being driven by co-accused Gurdev Singh. Co-accused Gurdev Singh is stated to be owner of the car. The recovery of contraband has been effected from the car. No recovery has been effected from the person of the petitioner. The petitioner is not involved in any other case under the NDPS Act.

Article 21 of the Constitution of India guarantees right to speedy trial. The petitioner is in custody for over 4 years and 9 months. There is nothing to indicate that the petitioner is, in any manner, responsible for the delay in the trial. The prosecution evidence has not been completed. In view of Covid 19 pandemic, the conclusion of trial is likely to take some more time.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**07.01.2022**

*SwarnjitS*

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