

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-8193-2021 (O&M)
Date of Decision:-17.10.2022

Nirmal Singh @ Nimma ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Rampal, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Gurdit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.3, dated 1.1.2020 at Police Station Sangat, District Bathinda, under Sections 22/29/61/85 of the NDPS Act.
2. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case. It has further been submitted that the petitioner has been behind bars for a substantial period of 2 years, 9 months and 15 days and that since the trial is proceeding at snail's pace, the petitioner deserves the concession of regular bail.
3. Opposing the petition, learned State counsel has submitted that since it is a case wherein the petitioner was caught red-handed while in possession of a

‘commercial’ quantity of contraband, no case for grant of bail is made out.

The learned State counsel has not disputed the fact that the petitioner has been behind bars since the last 2 years, 9 months and 15 days. Learned State counsel has informed that the petitioner happens to be involved in 2 other cases but he stands acquitted in the said cases.

4. This Court has considered rival submissions.
5. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon’ble Supreme Court in this regard wherein Hon’ble Supreme Court has granted the concession of bail solely on ground of long custody :-

Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon’ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No. 1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years

6. In the present case, the petitioner has been behind bars since the last 2 years, 9 months and 15 days. Conclusion of trial is likely to consume time.

7. Keeping in view the totality of the facts and circumstances of the case, particularly the long custody and that the petitioner is not involved in any other case under the NDPS Act, the petition merits acceptance and is hereby accepted.
8. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

17.10.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No