

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

CRM-M-7890-2020 (O&M)
Date of Decision:-15.11.2022

Chhinda Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by SI Maghar Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.389 dated 24.9.2019, Police Station City Barnala, District Barnala, under Section 21/22/29 of Narcotic Drugs & Psychotropic Substances Act.
2. As per the case of prosecution, the petitioner was found in possession of 25 bottles of 'Onerex' (100 ML each) and 200 tablets of 'Tramadol'. It has been informed that the weight of the recovered Onerex containing Codein is about 2.5 kgs which falls in the category of 'commercial quantity' whereas the weight of 200 tables is about 82.2 grams which falls in the category of non-commercial quantity.

3. The 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 3 years, 1 month and 19 days and that since the trial is proceeding at snail's pace, the petitioner deserves the concession of regular bail.
4. Learned State counsel, upon instructions from SI Maghar Singh has informed that the petitioner as on date has been behind bars since the last about 3 years, 1 month and 19 days and as on date only 1 out of the cited 15 PWs has been examined. It has also been informed that the petitioner happens to be involved in one more case under NDPS Act.
5. This Court has considered rival submissions.
6. The petitioner, who was apprehended on 24.9.2019, has been behind bars for a substantial period of more than 3 years, 1 month and 19 days. The conclusion of trial is likely to consume more time inasmuch as only 1 out of the cited 15 PWs has been examined so far.
7. 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

8. Keeping in view the totality of the facts and circumstances of the case, particularly the long custody, the petition merits acceptance and is hereby accepted.
9. 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.
10. 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.

15.11.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No