

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

CRM-M-10911-2022 (O&M)
Date of Decision:-24.5.2022

Vikram Singh @ Vicky

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Tanvir Joshi, AAG, Punjab.

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.155 dated 17.10.2019, Police Station Badni Kalan, District Moga, Punjab, under Sections 21 and 29 of Narcotic Drugs & Psychotropic Substances Act.
2. The FIR was registered pursuant to receipt of secret information to the effect that Nirmal Singh, whose land is situated across the fencing at BOP DT Mal Gate No.95/1, in connivance with Vikram Singh @ Vicky (petitioner), who is confined in Kapurthala Jail, contacted smugglers from Pakistan on internet and smuggled 'heroin' from Pakistan. On the asking of Vikram Singh @ Vicky and Nirmal Singh, after collecting the same secretly, used to supply 'heroin' at different places. The information was further to the effect that

Nirmal Singh had kept concealed '*heroin*' in his land and could get the same recovered. Pursuant to receipt of said information, Nirmal Singh was apprehended by the police in his fields and 800 grams of '*heroin*' was recovered. It is further the case of prosecution that during interrogation, he disclosed about his having kept another 400 grams of '*heroin*' in his fields, which was also got recovered at his instance.

3. Learned counsel for the petitioner has submitted that admittedly as on the date of receipt of secret information and also at the time of recovery, the petitioner was behind bars in Kapurthala Jail in connection with another case and that, as such, he cannot possibly be said to be in touch with the co-accused Nirmal Singh so as to have arranged or facilitated smuggling of '*heroin*'. It has further been submitted that the petitioner, in any case, has been behind bars since the last more than 2 years and 6 months and since the trial is not making any headway, the petitioner is entitled to be released on bail.
4. Opposing the petition, learned State counsel has submitted that since there are specific and crisp allegations against the petitioner to the effect that he had been indulging in smuggling of '*heroin*' in connivance with Nirmal Singh and also was in touch with smugglers across the border, his complicity is clearly evident, even if, he was not present at the spot. It has been informed that the petitioner happens to be involved in 6 other cases including 3 cases under NDPS Act. Learned State counsel has not disputed the fact that the petitioner has been behind bars since the last more than 2 years and 6 months. It has been informed that charges are yet to be framed and as many as 16 PWs have been cited.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was behind bars as on the date of recovery. It is also not in dispute that it is from the co-accused that the recovery of 'heroin' was effected. The petitioner has been behind bars for a substantial period of more than 2 years and 6 months. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and as many as 16 PWs have been cited. In these circumstances, further detention of the petitioner would not be justified. The petition, as such, is accepted 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.

24.5.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No