

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

CRM-M-15067-2022 (O&M)
Date of Decision:-29.11.2022

Amrit Kumar @ Rinku

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kamaldip Singh Sidhu, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Raj Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.12, dated 12.1.2020, Police Station Sadar Samana, District Patiala, under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Reply by way of affidavit of Shri Saurav Jindal, PPS, Deputy Superintendent of Police, Circle Samana, District Patiala has been filed by learned State counsel, which is taken on record.
3. As per the case of prosecution, on 12.1.2020 the police received information to the effect that Sandeep Singh indulged in sale of intoxicant tablets and used to keep the same in the flour mill of Amrit Kumar @ Rinku (petitioner).

The information was further to the effect that on the given day i.e. on 12.1.2020, Vikramjit Singh @ Vicky had come at the flour mill in his swift car bearing registration No.PB-11-CS-4128 so as to supply intoxicant tablets. Pursuant to receipt of said information, a raid was conducted at the flour mill, where two persons were found sitting in a car bearing registration No.HR-26-AB-9552 parked outside the flour mill. The persons sitting in the car were nabbed. The person sitting on the driver seat disclosed his name as Sandeep Singh while the person sitting on the passenger seat disclosed his name as Amrit Kumar @ Rinku (petitioner). It is further the case of prosecution that a heavy plastic bag was recovered lying underneath the front passenger seat, which upon checking was found to contain 19000 intoxicant tablets, which upon chemical examination were found to contain '*tramadol hydrochloride*'.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the car in question from which the recovery was allegedly effected stands registered in the name of co-accused Sandeep Singh and that, in these circumstances, the petitioner cannot be attributed conscious possession of the recovered contraband. It has further been submitted that the petitioner has been behind bars for a substantial period of 2 years and 11 months and since the trial is proceeding at snail's pace, the petitioner deserves the concession of grant of regular bail.
5. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red handed at the spot while in possession of 'commercial' quantity of contraband, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 2 years and 11 months. It has also been

informed that the petitioner is not involved in any other case. Learned State counsel has further informed that as on date only 3 PWs out of the cited 11 PWs have been examined.

6. This Court has considered the rival submissions.
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 long custody of the petitioner and that the petitioner enjoys a clean record and also that conclusion of trial is likely to consume time

inasmuch as only 3 PWs out of the cited 11 PWs have been examined so far, 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.

29.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No