

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105+210

CRM-M-15669 of 2022 (O&M)

Date of decision:13.07.2022

Veerpal Singh alias Vicky

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Hitesh Nehra, Addl.A.G.Punjab.

SUVIR SEHGAL, J. (Oral)

CRM No.23545 of 2022

Application is allowed as prayed for.

Necessary permission is granted.

CRM No.23548 of 2022

Application is allowed as prayed for.

Zimni orders passed by the Trial Court on 28.03.2022,
04.04.2022, 25.04.2022, 16.05.2022 and 01.06.2022 are taken on record as
Annexure A-1 (collectively).

CRM-M-15669 of 2022

This is the fifth petition filed under Section 439 Cr.P.C.,
seeking grant of regular bail to the petitioner in case FIR No.0063 dated

14.04.2019 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short “the NDPS Act”) at Police Station Sadar Patti, District Tarn Taran (Annexure P-1).

Version of the prosecution is that FIR (Annexure P-1) has been registered on recovery of 1440 loose tablets from a polythene bag thrown by the rider of a motorcycle on being intercepted by the police. On analysis, tablets were found containing salt alprazolam and its total weight was found to be 547.2 mg.

Counsel for the petitioner has invited attention of the Court to the order dated 14.03.2022 passed in CRM-M-39881 of 2020, whereby, the previous petition preferred by the petitioner seeking regular bail has been disposed of. Relevant extract of the order is reproduced as under:-

“Pursuant to order dated 23.11.2021 passed by this Court, an affidavit of Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran has been filed on behalf of respondent-State, which is taken on record, wherein it has been submitted as under:-

“5. That it is further submitted that the delay for non-examining prosecution evidences in the present case is not intentionally and deliberately at the part of investigating agency, but due to reason explained above and the prosecution is (sic) undertakes to conclude the entire remaining prosecution witnesses before the Ld. Trial Court on the next date of hearing or any other date

of hearing as convenient to the Ld. Trial Court.”

Upon instructions received from SI, Gurtej Singh, State Counsel has informed the Court that the next date before the Trial Court is 28.03.2022.

Considering the affidavit of Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, this Court is of the view that no order is required to be passed in the instant petition as the prosecution evidence is likely to be concluded soon.

Petition is disposed of.

However, in case there is any delay in the conclusion of the prosecution evidence, liberty is granted to the petitioner to approach this Court afresh.”

Petitioner has placed on record zimni orders passed by the Trial Court from 28.03.2022 to 01.06.2022 to submit that no prosecution witness has been examined in the last 04 months. Reliance has been placed by counsel for the petitioner upon the judgment of Supreme Court in **Union of India Vs. K.A.Najeeb (2021) 3 Supreme Court Cases 713** to submit that once there is a delay in the conclusion of the trial, Court is obligated to release the accused on bail.

Per contra, learned State counsel while filing custody certificate dated 12.07.2022, has opposed the petition by submitting that the contraband recovered falls within the ambit of commercial quantity as per

notification issued under the NDPS Act.

Heard counsel for the parties.

Despite a categoric affidavit having been filed before this Court, prosecution has failed to conclude the evidence. Petitioner, who is not involved in any other criminal case, has been languishing behind bars for the last more than 03 years and 02 months. There seems to be a remote possibility of an early conclusion of the trial.

In view of the above backdrop and observations of the Supreme Court in K.A.Najeeb's case (supra), this Court is of the view that the petitioner deserves to be released on bail during pendency of the trial.

Without examining the merits of the allegations levelled against the petitioner, petition is allowed and the petitioner is ordered to be released on bail on furnishing **heavy bail/surety bonds** to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 13, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes