

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) **CRM-M-15537-2020 (O&M)**

Chindi @ Chindi Kaur ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-51901-2021 (O&M)**

Navneet Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 21.9.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. L.S. Sekhon, Advocate for the petitioner,
in CRM-M-15537-2020.

Mr. Jashandeep Singh Sandhu, Advocate for the petitioner,
in CRM-M-51901-2021.

Mr. Luvinder Sofat, AAG, Punjab with
Mr. Siddharth Attri, AAG, Punjab.
assisted by ASI Krishan Kumar.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Chindi @ Chindi Kaur and Navneet Singh seeking grant of regular bail in a case registered against them vide FIR No. 10 dated 6.1.2020 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City Sunam, District Sangrur.

2. The case of the prosecution is that on 6.1.2020, the police received secret information to the effect that Ajay Kumar, Navneet Singh @ Baru and Chindi indulge in sale of intoxicating tablets and that they were proceeding in a car from Mohrawali towards Bigrwal road and were carrying huge quantity of intoxicating tablets. Pursuant to receipt of said information, the police swung into action and laid barricading and was able to intercept the vehicle bearing registration No. HR-22M-2218. Three persons were found sitting in a car who disclosed their names as Ajay Kumar (non-applicant), Navneet Singh (petitioner) and Chindi (petitioner). The search of the vehicle led to recovery of 20,000 tablets of 'Tramadol Hydrochloride', which falls in the category of 'commercial' quantity.
3. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that there is absolute non-compliance of Section 42 of the NDPS Act. It has further been submitted that the petitioners have been behind bars for a substantial period of more than 2 years and 8 months and that since the trial is proceeding at snail's pace, the petitioners deserve the concession of regular bail.
4. Opposing the petition, the learned State counsel has submitted that since it is a case wherein the petitioners were 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 informed that while the petitioner Chindi Kaur stands convicted previously in a case of recovery of 'non-commercial' quantity of contraband, the petitioner Navneet Singh also stands involved in one more case under the NDPS Act. The learned State counsel has not disputed the fact that both the petitioners have been behind bars since the

last 2 years and 8 months and that out of the 21 prosecution witnesses none has been examined so far.

5. This Court has considered rival submissions addressed before this Court.
6. Since the petitioners seek 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

7. In the present case, the petitioners have been behind bars since the last 2 years and 8 months. Conclusion of trial is likely to consume time inasmuch as out of the 21 prosecution witnesses, none has been examined. As far as the other cases against the petitioners are concerned, while petitioner Chindi Kaur was convicted about 15 years back in the year 2006 in case of recovery

of 'non-commercial' quantity, the petitioner Navneet Singh, who is stated to be involved in one more case has been involved on the basis of a disclosure statement and the said case is till pending trial.

8. Keeping in view the totality of the facts and circumstances of the case, particularly the long custody and that the petitioners cannot be said to be having a long chequered record and one of the petitioners is a lady, the petitions merit acceptance and are hereby accepted.
9. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their 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 petitioners are found to be indulging in similar offences again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

21.9.2022

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No