

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

CRM-M-20921-2022

Date of decision: 15.11.2022

Hemant Kumar

....Petitioner

Versus

State of Punjab

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurpal Singh Sandhu, Advocate for the petitioner
 Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

This is the petitioner's third attempt to get bail pending trial in a criminal case arising from FIR No.222 dated 24.08.2019 registered under Section 22, 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sardulgarh, District Mansa.

The first bail petition was dismissed as withdrawn with liberty to file a fresh one whereas the second was dismissed on merits on 03.12.2020.

As per the case of the prosecution, 2 boys, including the petitioner, were coming on a motorcycle and on being signaled to stop, they tried to run away. In that process, they fell on the ground and the zip of their bag broke open and 650 strips of Cavilodol 100-SR containing Tramadol Hydrochloride intoxicating tablets were recovered. Both the boys were apprehended including the petitioner namely Hemant Kumar. As per the custody certificate, the petitioner has undergone incarceration for a period of 3 years and 4 months.

Learned counsel representing the petitioner contends that

the petitioner does not have any criminal past and in fact the recovery is from a co-accused, namely Jarnail Singh, who was on the pillion.

Learned State counsel does not dispute that as per his information, the petitioner is not involved in any other criminal case. The petitioner at the time of incident was 27 years of age. He has further informed the Court that the trial court has recorded the deposition of 4 witnesses, out of which cross-examination of 2 witnesses is still remaining. He submits that the prosecution intends to examine as many as 14 witnesses.

The conclusion of the trial is likely to take some time. No doubt, Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 does provide for the stringent parameters for the grant of bail, however, the Court cannot overlook the period of incarceration undergone by the petitioner. It is evident that the trial of the case is progressing at a snail's pace. Hence, in the interest of justice and without commenting on the merits of the case and also keeping in view the aforesaid facts, it is considered appropriate to release the petitioner on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

The petition stands allowed.

All the pending miscellaneous applications, if any, are also disposed of.

15.11.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE