

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

CRM-M-33229-2021 (O&M)
Date of Decision:-28.3.2022

Chander Pal ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Kuldeep Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.131 dated 11.4.2019, Police Station Sadar Sadar Fatehabad, District Fatehabad under Section 22(c) of Narcotic Drugs & Psychotropic Substances Act.
2. As per the case of prosecution, the petitioner was found in possession of 90 strips (900 tablets) of 'Tramadol' HCL SR Tablets T-DOL-SR Tablets bearing batch No.FTN-19101 having weight of 364.05 grams and 120 strips (1200 tablets) of 'Alprazolam' tablets IP 0.5 mg RELEX-0.5 bearing batch No.FT-12294 having weight of 201.06 grams.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case. It has further been submitted that the petitioner has been behind bars for a substantial period of more than 2 years and 11 months and that since the trial is proceeding at its snail's pace, he deserves the concession for grant of bail particularly when he is not involved in any other case.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was caught red handed with a '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 more than 2 years and 11 months and that as on date only 1 out of the cited 16 PWs has been examined. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. The petitioner, who was apprehended on 11.4.2019, has been behind bars for a substantial period of more than 2 years and 11 months and is stated to be having a clean record. The conclusion of trial is likely to consume more time inasmuch as only 1 out of the cited 16 PWs has been examined so far.
7. Hon'ble the Supreme Court vide order dated 7.2.2020 passed in Criminal Appeal No.245 of 2020 titled 'Chitta Biswas Alias Subhas Vs. The State of West Bengal' while dealing with a matter regarding grant of bail to an accused charged with allegations of being in possession of 'commercial' quantity of contraband, granted bail mainly on the ground that the petitioner has been in custody since 21.7.2018 and only 4 out of the cited 10 PWs had been examined.

8. In another case i.e. Criminal Appeal No.1570 of 2021 titled 'Mahmood Kurdeya Vs. Narcotics Control Bureau' pertaining to a case of recovery of 'commercial' quantity of 'Tramadol', where the accused had been in custody for about 3 years and 3 months, Hon'ble the Supreme Court vide its order dated 7.12.2021 was pleased to grant bail while making the following observations:

“.....What persuades us to pass an order in favour of the appellant is the fact that despite the rigors of Section 37 of the said Act, in the present case though charge sheet was filed on 23.09.2018 even the charges have not been framed nor trial has commenced. The manufacturer who sold the drugs to the appellant during the sunset clause himself has been granted bail.”

9. In yet another case i.e. Criminal Appeal No.668 of 2020 titled 'Amit Singh Moni Vs. State of Himachal Pradesh', Hon'ble the Supreme Court vide its order dated 12.10.2020 was pleased to grant regular bail pertaining to a case of recovery of 'commercial' quantity of contraband on account of custody of 2 years and 7 months.
10. Bearing in mind the long custody period of the petitioner and also that the petitioner otherwise has a clean record and the conclusion of trial is likely to consume time as till date only 1 out of the cited 16 PWs has been examined, the petition 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.

28.3.2022

pankaj

(**Gurvinder Singh Gill**)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No