

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-32910-2020 (O&M)
Date of Decision:01.04.2022**

Gurdev Singh

.....Petitioner

Versus

Narcotics Control Bureau, Amritsar

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vishwajit Bedi, Advocate for the petitioner.

Mr. Rajiv Sharma, Advocate for respondent/NCB.

TEJINDER SINGH DHINDSA J.(Oral)

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail pending trial in complaint case bearing No.21/2017 filed by the Narcotic Control Bureau (NCB) dated 31.03.2017 under Sections 8, 21, 23, 29, 60 and 61 of NDPS Act, registered at PS Lopoke, Amritsar.

As per prosecution version an alleged recovery of 2 kgs. Heroin was effected from an Innova car which was being driven by the petitioner.

Petitioner was arrested on 31.03.2017.

The instant petition seeking bail has been vehemently opposed by learned counsel representing the Narcotic Control Bureau by submitting that the petitioner was not only driving the vehicle but was also the owner of the Innova Car.

That apart the first application preferred by the petitioner seeking bail had been dismissed on merits.

The bar under Section 37 of the NDPS Act has been cited and it

is argued that in the light of the heavy recovery the petitioner would not be entitled to the benefit of bail.

The first petition preferred by the petitioner had been dismissed on 19.01.2018 by this Court.

More than 04 years have elapsed since. Court has been informed that out of 10 prosecution witnesses cited, five have been examined, one has expired and one has been given up.

The alleged recovery is not from the person of the petitioner.

During the course of hearing, it has gone uncontroverted that Onkar Singh who was also travelling in the Innova vehicle and had been arrested on the spot has been granted benefit of bail by this Court in the light of order dated 07.01.2022 passed in CRM-M-4724-2020.

Yet another factual premise that may be taken note of is that during the course of investigation one other person was arraigned i.e. Balkar Singh. Even such co-accused Balkar Singh has been granted concession of bail.

The petitioner herein has faced incarceration now for a period of more than 05 years. The trial is not making any headway. Article 21 of the Constitution of India guarantees the right to a speedy trial.

The petitioner is not stated to be involved in any other case under the NDPS Act.

In view of the discussion above and without expressing any opinion on the merits of the case, instant petition is allowed.

Petitioner namely Gurdev Singh be enlarged on bail subject to

his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

Disposed of.

Pending application(s), if any, shall also stand disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.04.2022
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No