

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

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**CRM-M-43445-2020
Decided on : 31.05.2022**

Gurmej Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Gurpal Singh Sandhu, Advocate
for the petitioner(s).

Mr. Abhay Pal Singh Gill, AAG, Punjab
assisted by ASI Dalbir Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C., vide which, the petitioner is seeking the concession of bail in case FIR No. 16, dated 23.03.2019, lodged under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act'), registered at Police Station Valtaha, District Tarn Taran (annexed as Annexure P-1), for being allegedly found in possession of 10050 intoxicant tablets.

At the outset, learned State counsel has filed the custody certificate dated 30.05.2022 of the petitioner, which is taken on record, subject to all just exceptions.

Learned counsel submits that it is a case of false implication, as there was no proper compliance of the mandatory provisions of Section 50 of the NDPS Act. He further submits that the petitioner has been in custody for almost 03 years and 02 months, having been arrested on 23rd March, 2019 and there is no likelihood of the trial concluding anytime in the near future, as only three prosecution witnesses out of the 19 cited stand

examined till date. He further submits that the case is being adjourned on each date of hearing, as the prosecution witnesses have failed to put in an appearance before the trial Court. Learned counsel, thus, prays that the petitioner be extended the concession of bail, as his further incarceration would serve no useful purpose, coupled with the fact that he is not involved in any other criminal case, much less, under the NDPS Act.

Per contra, learned State counsel while opposing the prayer of the counsel opposite, on instructions from ASI Dalbir Singh, has submitted that the recovery of the intoxicant tablets (10050 tablets), which was effected from the petitioner falls under the 'commercial quantity'. He has, however, conceded that the petitioner is not involved in any other criminal case, much less, under the NDPS Act. Learned State counsel has further submitted that the delay in the conclusion of the trial, has been primarily on the ground that the police officials, who have been cited as prosecution witnesses in the case in hand, have been busy on account of official duties.

I have heard learned counsel for the parties and perused the relevant material on record.

As per the custody certificate filed by the learned State counsel in Court today, concededly, the petitioner is not involved in any other criminal case and the delay in the trial is for reasons not attributable to him.

In the facts and circumstances as enumerated hereinabove and in the wake of the long incarceration of the petitioner of almost 03 years & 02 months, this Court deems it fit to extend the concession of bail to the petitioner during the pendency of the trial, as the trial will take considerable time to conclude. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

However, it is made clear that any observation made here-in-above shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 31, 2022
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No