

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

CRM-M-3514 of 2023

Date of Decision: 28.04.2023

Sarwan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. D.S. Pheruman, Advocate for the petitioner.
Mr. Dhruv Dayal, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J.

Petitioner has filed second petition for grant of regular bail in case FIR No.17 dated 01.03.2021 under Section 21C of NDPS Act registered at P.S Khalra, District Tarn Taran.

As per allegations, 255 grams of heroin was recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated. The weight of the contraband is marginally higher than the commercial quantity i.e only 05 grams with the petitioner having not been involved in any other criminal case except the present one. He has been behind bars for the last one year, one month and nine days. He contends that the trial is at a preliminary stage and there is no likelihood of completion of trial in the near future and in view of delayed trial and keeping in the mind the right to a speedy trial, the petitioner can be granted bail.

In support, he relies upon the decisions of the Hon'ble Supreme Court in **SLP(Crl.) No.4173/2022 titled Shariful Islam @ Sarif vs. The State of West Bengal decided on 22.03.2022**, **SLP(Crl.) No.5769/2022 titled Nitish**

Adhikary @ Bapan vs. The State of West Bengal decided on 04.05.2022, Criminal Appeal No.1169 of 2022 titled Gopal Krishna Patra @ Gopalrusma vs. Union of India decided on 05.08.2022 and Special Leave to Appeal (Crl.) No.3961/2022 titled Abdul Majeed Lone vs. Union Territory of Jammu and Kashmir decided on 01.08.2022, where bail has been granted taking into account the custody of the petitioners and the stage of the trial.

Learned State counsel, on instructions from ASI Jasbir Singh does not dispute the custody period. It is stated that charges have been framed but no PW has been examined so far.

Without commenting upon the merits of the case and taking into consideration all the factors and parameters, as propounded in the aforesaid judgments apart from bearing in mind the quantity of the contraband recovered as also the fact that the trial is not likely to be concluded in near future the present petition is allowed. The petitioner Sarwan Singh is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that if the petitioner involves himself in similar type of activity, while on bail, the State shall be at liberty to move for cancellation of his bail.

April 28, 2023

manoj

(HARINDER SINGH SIDHU)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No