

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8820 of 2023

Date of Decision: 13.04.2023

Daler Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner.

Mr. Dhruv Dayal, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.53 dated 14.05.2020 under Section 15,18,22,29 of NDPS Act, 1985 registered at P.S Khuian Sarwar, District Fazilka.

The version of the prosecution, as stated in the FIR is that on 14.05.2020, a Police picket was laid at Gujmal barrier in the area of Police Station Khuian Sarwar. One truck bearing Reg.No.PB-04P-4104 was seen coming with two persons sitting therein. On suspicion, it was stopped. It was being driven by co-accused Pippal Singh, while Daler Singh (petitioner) was sitting therein as Conductor. On completing the formalities, search was conducted. On search of the cabin of the truck, two plastic bags were recovered. On opening of one bag, 900 strips, each strip containing 10 tablets of Clovidol-100 SR Tramadol Hydrochloride (total 9000 intoxicant tablets), manufacturing date Apr.2020 Ex. Date Mar.2023 were recovered. From the second bag 6 Kilograms of poppy husk was recovered. On personal search of co-accused Pippal Singh opium weighing 80 grams was recovered from right pocket of his pant.

Ld. counsel for the petitioner has argued that the petitioner has falsely been embroiled and that nothing was recovered from him. He is neither the owner of the truck nor the Conductor on the truck. The petitioner had only taken a lift in the truck as he was known to its driver and that it is co-accused Pippal Singh who was found to be in possession of the alleged contraband. The petitioner has been behind bars for

the last about two years and nine months with the petitioner having not been involved in any other criminal case. 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 Bhagwan Singh, does not dispute the custody period. It is stated that the 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 custody period as also the fact that the trial is not likely to be concluded in near future the present petition is allowed. The petitioner Daler 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 13, 2023

manoj

**(HARINDER SINGH SIDHU)
JUDGE**