

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-9631-2023**

**Date of Decision:-28.02.2023**

**Inderjit Singh @ Chanan Singh.**

.....Petitioner.

Versus

**State of Punjab.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. Jashandeep Singh Sandhu, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab.

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**JASJIT SINGH BEDI, J. (ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.119 dated 06.09.2019 under Sections 22, 61 of the NDPS Act, 1985 registered at Police Station Bahawala, District Fazilka, Punjab.

2. The brief facts of the case are that secret information was received by the investigating agency that Inderjit Singh @ Chanan Singh (petitioner) used to get intoxicating tablets from Rajasthan and sold them in Punjab at a higher price. He was coming on a Suzuki motor cycle after purchasing the intoxicating tablets and if a *nakabandi* was conducted he could be apprehended along with contraband.

Based on the said information a *nakabandi* was set up and the petitioner came to be arrested with 4200 tablets of Tramadol.

3. The Counsel for the petitioner contends that the mandatory provisions of the NDPS Act such as Sections 42, 50, 52 and 55 have not been complied with. In fact nothing has been recovered from the conscious possession of the petitioner. Since the petitioner was in custody since 6.9.2019 and only 03 out of 11 prosecution witnesses had been examined so far, the Trial was not likely to be concluded any time soon and therefore the petitioner was entitled to the grant of bail. Reliance is placed upon the judgment of the Hon'ble Supreme Court in ***Nitish Adhikary @ Bapan Vs. The State of West Bengal SLP (Crl.) Nos.5769/2022 Decided on 01.08.2022*** which has been followed by this Court in ***Balraj Singh Vs. State of Punjab CRM-M-57386-2022 Decided on 14.12.2022***.

4. The Counsel for the State on the other hand contends that a huge quantity of contraband has been recovered from the Petitioner. Therefore, he was not entitled to the grant of bail. He however, concedes that the petitioner is a first time offender and only 03 out of 11 witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The Hon'ble Supreme Court in ***Nitish Adhikary @ Bapan Vs. The State of West Bengal SLP (Crl.) Nos.5769/2022 Decided on 01.08.2022*** held as under:-

“ As per the office report dated 29.07.2022, copy of the show cause notice along with Special Leave Petition was supplied to the Standing Counsel for the State of West Bengal and separate notice has been served on the State also. However, no one has entered appearance on their behalf.

The petitioner seeks enlargement on bail in F.I.R. No. 612 of 2020 dated 17.10.2020 filed under Section 21(c) and 37 of the NDPS 2 Act, registered at Police Station Bongaon, West Bengal.

***During the course of the hearing, we are informed that the***

***petitioner has undergone custody for a period of 01 year and 07 months as on 09.06.2022. The trial is at a preliminary stage, as only one witness has been examined. The petitioner does not have any criminal antecedents.***

*Taking into consideration the period of sentence undergone by the petitioner and all the attending circumstances but without expressing any views in the merits of the case, we are inclined to grant bail to the petitioner.*

*The petitioner is accordingly, directed to be released on bail subject to him furnishing bail bonds to the satisfaction of the Trial Court.*

*The Special Leave Petition is disposed of on the aforesaid terms.*

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

The aforementioned decision has been followed by this Court in the case of ***Balraj Singh Vs. State of Punjab CRM-M-57386-2022 Decided on 14.12.2022.***

7. In the present case, the petitioner is in custody since 6.9.2019. Only 03 out of 11 prosecution witnesses have been examined so far. He is a first time offender. In such a situation the provisions of Section 37 of the NDPS Act can be diluted to an extent in view of the salutary provisions of Article 21 of the Constitution of India.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Inderjit Singh @ Chanan Singh** son of Sh. Balwant Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other

than the present one.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

February 28, 2023  
Vinay

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |