

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10683-2023
Date of Decision.:11.12.2023

Jai Singh @ Jai
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gaurav Datta, Advocate with
Mr. Vaibhav Bhargav, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.74 dated 28.10.2022 registered under Section 22 of NDPS Act, 1985 registered at Police Station City Banga, District SBS Nagar.

2. As per prosecution allegations, 30 intoxicating injections without label; and 30 ampules of Pheniramine Maleate Avil each measuring 10 ML, were recovered from the possession of the petitioner on 28.10.2022. The salt of the intoxicating injections was found to be of buprenorphine hydrochloride. The total weight of the contraband was found to fall in the commercial category.
3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that petitioner is in custody for the

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last more than 01 year; that petitioner is not involved in any other case and trial may take time to conclude and so, he be allowed bail.

4. Learned State counsel has opposed the bail petition by pointing out towards the recovered quantity which falls in the commercial category.

5. Heard.

6. Custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 01 year and 07 days with no criminal antecedents. It is informed by learned State counsel that 03 witnesses have already been examined and some of the witnesses have been given up. At the same time, learned counsel for the petitioner informs that material witnesses are yet to be examined and so, trial is likely to take long time to conclude.

7. Having regard to all the above facts and circumstances, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

8. As such, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

December 11, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No