

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11435-2022
Date of Decision:-02.11.2023

INDERPAL

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Arpandeeep Narula, Advocate,
for the petitioner.

Mr. Neeraj Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.435 dated 17.07.2020 registered under Sections 22(b) of NDPS Act at Police Station Sirsa City, District Sirsa.
2. The brief facts of the case are that on 17.7.2020 the accused was apprehended and police recovered 800 tablets of Parvorin-Spas (Redely) and Tramadol Hydrochloride from the car, in which the petitioner was travelling.
3. The counsel for the petitioner, *inter alia*, contends that the petitioner is falsely implicated in the present case and that the petitioner is in

custody for the last more than 2 years and is not involved in any case under the NDPS Act. The counsel for the petitioner further submits the trial is not progressing ahead as till date only 4 witnesses out of total 15 witnesses have been examined on behalf of the prosecution and that it will take considerable time for the trial to conclude. So prayer is made that the petitioner be released on bail. The counsel for the petitioner has placed reliance on **Hasanujjaman & Ors. vs. The State of West Bengal, SLP (CrI.) No. 3221 of 2023, decided on 04.05.2023**, wherein also in case of commercial quantity of contraband, the accused has been granted bail on account of the fact that he was in custody for more than 1 year and 4 months.

4. The present petition is resisted by the State counsel, who submits that commercial quantity of contraband was recovered from the petitioner. It is further submitted that the trial is going on. The State counsel on instructions from Inspector Pardeep Kumar has not refuted the fact that till date 4 witnesses are examined on behalf of prosecution out of total 15 witnesses and that the petitioner is having no criminal history under the NDPS Act. The State counsel further submits that the rigors of Section 37 of the Act are applicable to the present case. However, he has not disputed the fact that the petitioner is in custody for the last more than 2 years.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly, the custody period of the petitioner comes out to be 2 years and the trial is not progressing ahead as till date only 4 witnesses out of total 15 witnesses have been examined on behalf of the

prosecution. Further, the petitioner is not involved in any other criminal case of similar nature. In the given circumstances, it will take considerable time for the trial to conclude. In view of the fact that the trial is being delayed, the embargo provided in Section 37 of the Act can be diluted to an extent and the petitioner can be enlarged on bail keeping in view the right to a speedy trial as mandated under Article 21 of Constitution of India.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.11.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No