

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221 CRM-M-12433-2023
Date of Decision.:04.12.2023

Guraditta Singh @ GataPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.S. Brar, 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.40 dated 03.06.2022 registered under Section 22(C), 29 of NDPS Act, 1985 registered at Police Station Kotfatta, District Bathinda.

2. As per prosecution allegations, 500 tablets of Tramwel SR-100 containing the salt of Tramadol Hydrochloride weighing 185.8 grams; and 1130 tablets of Alprasafe 0.5, containing salt of Alprazolam weighing 137.5 grams were recovered from the possession of the petitioner.
3. Learned counsel for the petitioner contends that petitioner is innocent; that he has no criminal antecedent; that he is in custody for the last more than 01 year and 06 months and that trial is not proceeding swiftly as only one witness has been examined so far despite adjourning the matter 10 times after framing of the charge.

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4. Learned State counsel does not dispute the fact that petitioner has no criminal antecedents. As per the custody certificate placed on record by learned State counsel petitioner is in custody for the last 01 year 06 months and 02 days. Though the recovered quantity pertaining to Alprazolam salt falls in the commercial category but not the quantity of Tramadol Hydrochloride. It is also informed by learned State counsel that out of 10 witnesses cited by the prosecution, only 01 witness has been examined so far.

5. 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.

6. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, 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.

December 04, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

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