

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-13916-2022  
Reserved On.: 19.09.2023  
Pronounced On: 21.09.2023

Parvinder Singh @ Kala

.....Petitioner

Vs.

State of Punjab

.....Respondent

**CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: - Mr. Ishwar Lal, Advocate  
for the petitioner.

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

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**DEEPAK GUPTA, J. (ORAL)**

The petitioner prays for grant of regular bail by way of this petition filed under Section 439 Cr.P.C in case FIR No.0053 dated 07.05.2020 registered under Section 22/61/85 of NDPS Act registered at Police Station Banur, District SAS Nagar, Punjab.

2. As per prosecution allegations, following intoxicant tablets were recovered from the possession of the petitioner on 07.05.2020:-

- 10 injections of BUPRENORPHINE
- 10 injections of AVIL
- 14 injections (no marka)
- 7 packets containing 100 intoxicating tablets each marka Microlit
- 10 syringes of 3.0 ML marka DISPO VAN

3. It is contended by learned counsel that petitioner was initially

arrested on 07.05.2020 and was let off on interim bail on 23.06.2020 as by that time FSL report was not received. However, vide order dated 21.03.2022, his application for regular bail was rejected, after receipt of the FSL Report. It is further contended by learned counsel that there was a matrimonial dispute between the petitioner and his wife, regarding which a panchayat was convened on 07.05.2020 but later on police picked up the petitioner and falsely implicated him in this case. Petitioner even filed CRWP-5705-2020 seeking high level enquiry, which is pending. Learned counsel for the petitioner has also drawn attention towards site plan (Annexure P-2) to contend that different spots as shown therein, do not match with the factual position of the spot, nor with the photographs of the spot. Learned counsel also contends that petitioner has already undergone custody of more than 01 year 07 months and that not even a single witness has been examined so far despite framing of the charge on 16.09.2021. With these submissions prayer is made for grant of regular bail.

4. Learned State counsel opposes the bail petition by submitting that intoxicating drugs of commercial category were recovered from the possession of the petitioner. Learned State counsel has drawn attention towards the FSL report in this regard. However, it is conceded by learned State counsel that petitioner is in custody in this case for last 01 year 07 months and 15 days and that not even a single witness has been examined so far. It is also conceded that petitioner is not involved in any other case.

5. I have considered submissions of both the sides and have perused the record.

6. As per the information provided by learned State counsel, charges were framed way-back on 16.09.2021 and out of the total 09 witnesses cited by the prosecution, not even a single witness has been examined so far. It is also the conceded position that petitioner has no criminal antecedents.

7. In *Gurbir Singh v. State of Punjab 2022(4) Law Herald 2980 : 2022 (4) CrI.CC 504*, it was observed by this Court that right to life and personal liberty granted by Constitution of India also covers right to speedy trial and when under-trial is in custody for significant period of time and trial is held up for no fault on his part, this Court is not expected to be a mute spectator. In that case also the accused was found to be in possession of Heroine of the commercial category and accused was in custody for considerable time. He was allowed regular bail. In *Ladwinder Singh @ Laddi v. State of Punjab 2023(1) Law Herald (P&H) 730* accused was found in possession of 2 kgs. 700 grams of opium, which was marginally above the commercial quantity. He was first time offender and was in custody for the last 09 months. None of the 13 Pws had been examined. Bail was granted.

8. Having regard to facts and circumstances of this case and also the custody period of the petitioner but without commenting anything further on the merits of the case, this petition is allowed. 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

September 21, 2023  
Neetika Tuteja

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