

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13853-2023
Date of Decision:-10.08.2023

JAGMEET SINGH ALIAS MEET ... Petitioner
Versus
STATE OF PUNJAB ... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.
Mr. Vinay Kumar Gupta, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

1. The present second petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No.6 dated 18.01.2021, registered under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act (for short 'the Act'), Police Station Jaito, District Faridkot.
2. The petitioner was apprehended by the police with commercial quantity of contraband.
3. The counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. The counsel for the petitioner further submits that there was also violation of mandatory provision of Section 50 of NDPS Act as no proper offer was given to the petitioner before the alleged recovery was effected. The counsel

for the petitioner further submits that the petitioner in another case under the NDPS Act has already been released on bail and is now in custody since last more than 2 years and 6 months. The counsel for the petitioner has placed reliance on **Hasanujjaman & Ors. vs. The State of West Bengal, SLP (Crl.) 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. So prayer is made that the petitioner be granted concession of regular bail.

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 proper samples were taken out of the recovered contraband as per the statutory provisions. That as per the report of FSL, the samples reached the said laboratory in their intact condition. The State counsel further submits that the rigors of Section 37 of the Act are applicable to the present case. However, the State counsel has not disputed the custody period of the petitioner and further submits that one other case is pending against the petitioner and that 7 witnesses out total 27 witnesses have been examined on behalf of the prosecution. It is further submitted that the petitioner is on bail in an another case registered under the NDPS Act.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly, the custody period of the petitioner comes out to be more than 2 years and 6 months and the trial is not progressing ahead as only 7 witnesses out total 27 witnesses have been examined on behalf

of the prosecution. Further, the petitioner is not involved in any other criminal case. 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 her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned

10.08.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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