

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-15391-2022 (O&M)

Date of Decision: 31.01.2023

Gurnam Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.S.Tiwana, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.08 dated 09.03.2018 at Police Station Khalra, District Tarn Taran, under Section 22 of the NDPS Act (Section 29 of the NDPS Act added later on).
2. It is the case of prosecution that while the police party was patrolling, they saw one car coming from the direction of Narli and they signalled the car to stop. It is alleged that one person who was sitting on the rear seat ran away while the driver was apprehended who upon enquiry disclosed his name as Gurnam Singh (petitioner). It is further the case of prosecution that upon search of said Gurnam Singh and also from the search of the car Tramzam-100-SR 61500 tablets, Subimol-T 5000 tablets, Parvorin Spas 13200 capsules, Alprozolam Kinlo-0.5 8800 tablets, Alprozolam-0.5 4800 tablets, Teridol-50 2100 capsules, Oxytocin Injection I.P 2000, Dicnac Vials 216, 20 packets Microlit 2000 tablets were recovered.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case. It has further been submitted that the petitioner has been behind bars for a substantial period of more than 4 years & 10 months and that since the trial is proceeding at snail’s pace, the petitioner deserves the concession of regular bail.
4. On the other hand, learned State counsel has submitted that since the petitioner was caught red handed at the spot and huge quantity of contraband was recovered from the car being driven by him, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 4 years, 10 months & 24 days. Learned State counsel has also informed that the petitioner is not involved in any other case. It has also been informed that as on date only 2 out of cited 13 PWs have been examined.
5. This Court has considered rival submissions.
6. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon’ble Supreme Court in this regard wherein Hon’ble Supreme Court has granted the concession of bail solely on ground of long custody:

Case No.	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon’ble Supreme Court
Criminal Appeal No.245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. The State of West Bengal	1 year & 7 months
Criminal Appeal No.668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years & 7 months
Special Leave to Appeal (Criminal) No.5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. The State of West Bengal	1 year & 7 months
Special Leave to Appeal (Criminal) No.4173/2022	04.08.2022	Shariful Islam @ Sarif Vs. The State of West Bengal	1 year & 6 months
Criminal Appeal No.1169/2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years, 1 month & 17 days

Special Leave to Appeal (Criminal) No.5530/2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. The State of Gujarat	About 2 years
Criminal Appeal No.2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 year & 8 months
Special Leave to Appeal (Criminal) No.8653-2022	25.11.2022	Karim Adaldar Vs. The State of West Bengal	10 months

7. Keeping in view the totality of the facts and circumstances of the case particularly the long custody of the petitioner and the fact that only 2 out of cited 13 PWs have been examined till date, the petition merits acceptance and is hereby accepted.
8. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

31.01.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No