

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213 CRM-M-18074-2023
Date of Decision.:29.11.2023

Kuldeep SinghPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ripudaman S. Brar, Advocate for
Mr. Ajay Pal Singh Gill, 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.44 dated 02.05.2022 registered under Section 22 of NDPS Act, 1985 registered at Police Station Payal, Khanna.

2. As per prosecution allegations, during patrolling petitioner Kuldeep Singh was found in possession of 2380 tablets containing salt of Tramadol Hydrochloride by the police party; whereas his brother- co-accused Manjit Singh was found in possession of 1620 tablets containing salt of Alprazolam.

3. It is contended by learned counsel that petitioner has been falsely implicated; that he has no criminal antecedents and that he is in custody for the last more than 01 year and 06 months and so, he be allowed

bail.

4. Learned State counsel oppose the bail petition on the ground that recovered quantity of contraband falls in the commercial category as the total weight of the salt Tramadol Hydrochloride was 882 grams. However, it is conceded that petitioner has no other criminal antecedents as per the custody certificate. It is also revealed that petitioner is in custody for the last 01 year 06 months and 27 days.

5. Learned State counsel further informs that out of the 10 witnesses cited by the prosecution only 02 have been examined so far and thus, trial is likely to take long time to conclude.

6. 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.

7. As such, this petition is allowed and petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

November 29, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

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