

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220

CRM-M-17981-2022

Date of decision: 03.10.2023

Shankar Singla

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Jagmeet Singh Moudgill, Advocate, for the petitioner.
Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C., praying for grant of regular bail to the petitioner in case FIR No.113, dated 18.04.2021, registered under Section 21/29 of NDPS Act, 1985 at Police Station Patran, District Patiala.

The first petition was dismissed by this Court vide an order dated 06.09.2021 passed in CRM-M-34902-2021 (Annexure P-3).

Learned counsel for the petitioner contends that since the time of dismissal of the earlier petition, more than 2 years have elapsed and only 3 out of 13 prosecution witnesses have been examined so far. As per the prosecution allegation, 1.25 k.g. of smack was recovered from the petitioner's possession. Charges were framed on 15.11.2021 and as conceded by learned State counsel, only 3 witnesses out of 13 prosecution witnesses have been examined. As per the custody certificate, the petitioner is in custody for the last 1 year, 11 months and 10 days. He has no criminal antecedents.

In the aforesaid circumstances, Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India, as speedy trial is one of the facets of the Fundamental Rights to life and liberty

Having regard to the aforesaid facts and circumstances but without commenting anything on the merits of the case, the present petition is allowed. The petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

(DEEPAK GUPTA)
JUDGE

October 03, 2023
vcgarg

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