

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

207

CRM-M-19462-2022 (O&M)

Date of decision: 07.02.2023

Sukhdev Singh @ Debi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.37 dated 24.03.2020 lodged under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sidhwan Bet, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has been in custody for almost 03 years having been arrested on 25.03.2020 in a case of chance recovery wherein he was allegedly found in possession of 500 grams of heroin. Learned counsel further submits that even before the search could be carried out, ASI Gursewak Singh, complainant had recorded in the FIR that the petitioner seemed to be in possession of heroin which indicated that the recovered contraband had been planted upon him. Learned counsel submits that there is no likelihood of the trial concluding in the near future as only 05 out of the 18 prosecution witnesses cited have been examined till

date. Learned counsel also submits that the petitioner is not involved in any other case under the NDPS Act.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not been able to dispute that the petitioner has been in custody since 25.03.2020 and 13 prosecution witnesses remain to be examined. Learned State counsel has also not been able to dispute that the petitioner is not involved in any other case under the NDPS Act.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has now been in custody for almost 03 years and there is no likelihood of the trial concluding in the near future as 13 prosecution witnesses remain to be examined. The petitioner is not involved in any other case under the NDPS Act. In the above circumstances, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

07.02.2023

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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