

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.102+210

CRM-M-21562-2022 (O&M)

Date of decision : 19.05.2023

Balhar Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. K.S. Dhaliwal, Advocate with
Mr. S.P.S. Khaira, Advocate, for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab

SUDHIR MITTAL, J. (Oral)

CRM-18163-2023

Allowed as prayed for.

Annexures P8 & P9 are taken on record.

CRM-M-21562-2022

The petitioner seeks regular bail in case FIR No.65 dated 20.06.2020, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib, under Section 22 the NDPS Act, 1985 (hereinafter referred to as the Act).

Learned counsel for the petitioner submits that the petitioner has been in custody for more than 1 ½ year. The trial is not likely to be concluded at an early date as only 03 PWs out of a total of 15 PWs have been examined. There is no other criminal case pending/decided against the petitioner. Thus, there is substantial compliance with Section 37 of the Act

CRM-M-21562-2022 (O&M)

2

as has been held by the Supreme Court in order dated 04.05.2023 passed in SLP (Crl.) No.3221 of 2023 titled as Hasanuj Jaman and others Vs. The State of West Bengal. Thus, the petitioner may be granted regular bail.

Custody certificate dated 18.05.2023 checked by Sh. R.S. Brar, Deputy Superintendent, New District Jail, Nabha has been submitted in Court. The same is taken on record. A perusal thereof shows that the petitioner has undergone actual custody of 01 year, 11 months and 11 days and there is no other criminal case pending/decided against him.

Learned State counsel concedes that only 03 PWs out of a total of 15 PWs have been examined till date.

In Hasanujjaman (supra), the Supreme Court has held that if, the trial is not likely to be concluded at an early date and there is no other criminal case pending/decided against the accused, there would be substantial compliance of Section 37 of the Act. In the said case, the petitioner had been in custody for about 01 year and 04 months.

In the present case, the petitioner has been in custody for 01 year, 11 months and 11 days and there is no other criminal case pending/decided against him. The trial is not likely to be concluded at an early date and keeping in view the order dated 04.05.2023 passed in Hasanuj jaman (supra), I deem it appropriate to grant regular bail to the petitioner.

CRM-M-21562-2022 (O&M)

3

The petition is allowed and it is directed that the petitioner be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Judicial Magistrate, concerned.

It is clarified that if, the petitioner commits any offence while on bail, the concession of bail would be liable to be re-called. Non-appearance during the trial shall also be deemed to be mis-use of the concession of the bail.

(SUDHIR MITTAL)
JUDGE

19.05.2023
Ramandeep Singh

Whether speaking / reasoned

Yes

Whether Reportable

No