

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26146 of 2021 (O&M)

Date of decision: 3rd May, 2023

Balkaran Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kanwaljeet S. Brar, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case bearing FIR No.105 dated 06.09.2020 under Sections 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Phul, District Bathinda.

Learned counsel for the petitioner inter alia contends that the petitioner has now been in custody for close to 3 years, having been arrested on 06.09.2020, and there is no likelihood of the trial concluding anytime in the near future, as three prosecution witnesses out of 14 cited have been examined till date. It has also been submitted that a highly improbable version has been brought forth in the FIR in question that the petitioner while holding a transparent polythene was apprehended with the recovered contraband. He submits that out of the

recovered contraband, 500 tablets of Tramadol did not fall within the commercial quantity though the remaining 1380 tablets of Alprazolam fell under the commercial quantity.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions submits that no doubt there has been some delay in the conclusion of the trial, however, three prosecution witnesses were examined before the trial Court on 25.04.2023 whereas two witnesses were given up and the next date fixed before the trial Court is 16.05.2023, when a few more prosecution witnesses are likely to be examined.

On a pointed query put to the learned State counsel qua the criminal antecedents of the petitioner, he submits that the petitioner is not involved in any other criminal case, much less under the NDPS Act.

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

The petitioner has been in custody since 06.09.2020. No doubt, some prosecution witnesses have indeed been examined after the State was put on notice, on the last date of hearing, however, the fact remains that after the charges were framed on 03.03.2023, the trial had come to a virtual stand still on account of the prosecution witnesses not appearing before the trial Court to get their evidence recorded. The trial shall take considerable time to conclude as 9 prosecution witnesses are still to be examined.

In the facts and circumstances as enumerated hereinabove, coupled with the fact that since the petitioner is not involved in any other criminal case, much less under the NDPS Act, this Court deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

May 3, 2023
rps

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