

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218(A) CRM-M-22509-2023
Date of Decision.:07.11.2023

Hardeep SinghPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manish Kumar Singla, 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.188 dated 12.09.2022 registered under Sections 15 of Act No.61 of NDPS Act, 1985 registered at Police Station Sadar Dhuri, District Sangrur.

2. As per prosecution allegations, 120 Kg. of poppy husk was recovered from a truck, which was being driven by the petitioner Hardeep Singh whereas co-accused Lakhvir Singh was the co-passenger.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that he has no criminal antecedents; that petitioner is in custody for the last more than 01 year 01 month; that trial may take time to conclude and so, he be allowed bail.

4. Learned State counsel opposed the bail petition on the ground that recovered quantity falls in commercial quantity. However, it is

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conceded that petitioner has no criminal antecedents. Custody certificate placed on record by learned State counsel reveals that petitioner is in custody for the last 01 year 01 month and 22 days.

5. Having regard to all the above facts and circumstances, the rigor 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.

6. 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 07, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

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