

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

207

CRM-M-27281-2021

Decided on : April 26, 2023

SANDEEP SINGH @ SEEPA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajat Dogra, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab

NAMIT KUMAR, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.57 dated 12.04.2021, under Section 22 (b) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Talwandi Sabo , District Bathinda.

2. In compliance to the order dated 24.01.2023 of this Court, status report by way of affidavit dated 24.04.2023 of Mr. Butta Singh, PPS, Deputy Superintendent of Police, Sub-Division Talwandi Sabo, District Bathinda, on behalf of the respondent/State of Punjab alongwith custody certificate have been filed by the learned State counsel in Court today and the same are taken on record and copies thereof have been supplied to learned counsel for the petitioner.

3. Brief facts of the case are that on 12.04.2021, ASI Gobind Singh No.598/BTI, then posted as Incharge Police Post Singo, Police Station Talwandi

Sabo, District Bathinda along with police party was present on the check post installed on the road starting from Village Natheha leading to village Surtia, near Border of Punjab and Haryana and checking of suspicious persons and vehicles was in progress, then at about 04:30 P.M. one red colour motorcycle driven by a youngster with cut hairs, in a high speed came from the side of village Surtia and one black colour polythene was seen visible tied around the left side of the handle of the motorcycle. Signal was passed to the driver of the motorcycle to stop, who on seeing the police party standing in front of him, got perplexed and tried to turn back his motorcycle but due to slip of the motorcycle, rider of the motorcycle along with the motorcycle fell down. When the police party reached near to him, they saw that the plastic polythene tied around the motorcycle tattered and the intoxicating tablet strips scattered on the road. However, the police party could not join any independent witness in the police proceedings as nobody met at the spot, despite efforts. After apprehending the driver of the motorcycle, his identity was enquired, on which, driver of the motorcycle disclosed his name as Sandeep Singh @ Seepa (petitioner). On checking and counting the scattered intoxicating tablets strips its number came to 39 strips, each strip consisting of 10 tablets, total 390 intoxicating tablets, make TRIDOL-100, B. No. T 496 MFG. 12/2020 EXP. 11/2022. Thereafter all of the intoxicating tablets strips i.e. 39 strips along with the plastic polythene were reduced into sealed parcel with the seal of the investigating officer bearing seal impression "GS". Thereafter, both the above mentioned motorcycle having Engine No. HA11EA89K51621 & Chassis No. MBLHA11EE89L0311 and then the sealed parcel containing intoxicating strips recovered above were taken into police possession vide memo of recovery and all other formalities were complied with on the spot. As the petitioner failed to present any valid license or bill to keep or carry the above recovered intoxicating

tablets, as such, on the basis of the ruqa sent by the investigating officer, present case FIR No.57, Dated 12.04.2021, Under Section 22(B)/61/85 NDPS Act was registered against the Petitioner, at Police Station Talwandi Sabo, District Bathinda.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since 16.04.2021; investigation in the present case is complete; *Challan* has been presented; charges have been framed and out of total 14 witnesses none has been examined and the case is now fixed before the trial Court on 24.05.2023 at the stage of recording prosecution witnesses. He submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars and he may be released on bail.

5. *Per contra*, learned State counsel opposes the prayer for grant of regular bail to the petitioner and while referring to para no.4 of the status report submits that as per the Forensic Report dated 20.05.2021, the salt content in above recovered intoxicating tablets make 'TRIDOL – 100' (Tramadol Hydrochloride) tablets was found to be Tramadol Hydrochloride and average weight of each tablet was found to be 665.99 mg /Tablet, which comes to total weight of 259.7361 grams falling under the commercial quantity. He further submits that the petitioner had earlier also remained involved in case FIR No.07, dated 27.01.2016, under Section 379 IPC (Section 411 IPC added later on), registered at Police Station Qudan (Haryana). However, he could not dispute the fact that custody of the petitioner is 02 years and 08 days; the investigation in the present case is complete; *Challan* has been presented; charges have been framed and the case is at the stage of recording evidence of the prosecution and is likely to take considerable time as none of the witness has been examined yet.

6. I have heard learned counsel for the parties and perused the record.
7. In view of the custody period undergone by the petitioner, it is apposite to refer to a few judgments of Hon’ble Supreme Court in this regard wherein Hon’ble Supreme Court has granted the concession of bail solely on ground of long custody :-

Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon'ble Supreme Court
Criminal Appeal No.245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No.668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No.5187 of 2021	10.11.2021	Kulwant Singh Vs. The State of Punjab	More than 2 years
Special Leave to Appeal (Crl.) No.5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No.4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No.1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No.5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gurjarat	About 2 years
Special Leave to Appeal (Crl.) No.7840 of 2022	31.10.2022	Shahjad Vs. The State of Uttar Pradesh	About 2 years

8. Keeping in view the custody of the petitioner, which is 02 years 08 days; investigation is complete; challan has been presented; charges have been framed and out of 14 prosecution witnesses none has been examined and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court. However, in addition to conditions that may be imposed by the trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions: -

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by the trial Court, the prosecution shall be at liberty to move an application for cancellation of bail of the petitioner.

10. The petition stands disposed of accordingly.

April 26, 2023
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(NAMIT KUMAR)
JUDGE

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