

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

221

**2023:PHHC:099770**

**CRM-M-24434-2023**

Date of decision: August 3<sup>rd</sup>, 2023

Parminder Singh @ Pindaged

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Harkirat Singh Bhogal, Advocate  
for the petitioner.

Mr. H.S. Sullar, Senior Deputy Advocate General, Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

Learned counsel for the petitioner at the outset submits that in the head note of the petition, inadvertently it has been mentioned as 'first' petition under Section 439 Cr.P.C. instead of 'second'.

In view of the above, Registry is directed to make necessary corrections in the head note of the petition.

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.55 dated 14.04.2021 under Section 22 of the NDPS Act registered at Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner, *inter alia*, contends that a false recovery of 25 bottles/vials of WINCIREX 100 ML each, 200 intoxicant tablets mark Celcidal – 100 SR, 100 intoxicant capsules mark MEFAR-PD, 240 intoxicant tablets mark NITRAVET-10 and 1200 intoxicant tablets mark ALPRASAFE-0.5 on which Alprazolam Tablets was written, was shown to have been effected from a bag which was allegedly thrown by the petitioner on seeing the police *nakka*.

Learned counsel submits that the petitioner's false implication is evident from the fact that he has clean antecedents and is not involved in any other criminal case much less under the NDPS Act. It has also been submitted that identically placed co-accused Kulwinder Singh @ Pindar, who too was allegedly accompanying the petitioner on the fateful day has since been enlarged on bail by this Court vide order dated 28.04.2023. Learned counsel has further submitted that the trial had come to a virtual standstill for reasons not attributable to the petitioner as none of the remaining seven witnesses out of the 12 cited had been examined after 05.07.2022 as the case was being adjourned repeatedly. He has relied upon a judgment of the Hon'ble Supreme Court in ***Satender Kumar Antil Versus Central Bureau of Investigation and another [ 2022 (10) SCC 51]*** to contend that repeated adjournments seriously affect the Fundamental Rights under Article 21 of the Constitution of India. He, thus, submits that in the circumstances, there is no likelihood of the trial concluding in the near future.

*Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that a huge recovery falling under commercial quantity was effected from the petitioner. He has, however, not been able to controvert that the trial had made no progress after 05.07.2022 and still further, identically placed co-accused Kulwinder Singh @ Pindar had since been extended the concession of bail by a coordinate Bench of this Court.

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

The petitioner has been in custody since 14.04.2021 and only five witnesses stand examined, who too were examined way back on 05.07.2022 i.e. more than a year ago. The petitioner is not stated to be involved in any other case under the NDPS Act. The trial is thus being delayed for reasons not attributable to the petitioner but to the prosecution, for which he cannot be made to languish in custody.

In the facts and circumstances as enumerated hereinabove, 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.

Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

**August 3<sup>rd</sup>, 2023**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : No