

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-25578-2023

Date of decision: 31.10.2023

Davinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Tanvir Singh Grewal, Advocate, for the petitioner.
Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Custody certificate dated 30.10.2023 in respect of the petitioner has been placed on record by the learned State counsel.

Prayer in the present petition filed under Section 439 Cr.P.C is for grant of regular bail to the petitioner in case FIR No.147, dated 11.12.2021, registered under Sections 15 and 29 of the NDPS Act 1985 (Section 29 of the NDPS Act added subsequently in the FIR), at Police Station Sadar Ahmedgarh, District Sangrur.

As per allegations, 70 k.g. of poppy husk was recovered from the conscious possession of the petitioner.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last more than 1 year and 10 months; that the trial may take long time to conclude; that co-accused Bilal Ahmad Bhat has already been granted the concession of regular bail by this Court vide order dated 31.01.2023 passed in CRM-M-

47063-2022 and that the petitioner has no criminal antecedents regarding NDPS Act. As such, he may be allowed bail.

Although no status report has been filed by the learned State counsel, but learned State counsel does not dispute the fact that the petitioner is not involved in any other case pertaining to the NDPS Act.

As per custody certificate dated 30.10.2023 placed on record by the learned State counsel, the petitioner is in custody for the last 1 year, 10 months and 20 days. It is also disclosed by the learned State counsel that out of 16 witnesses cited by the prosecution, only 1 witness has been examined so far. Thus, the trial would take long time to conclude.

Having regard to the aforesaid facts and circumstances but without commenting anything on the merits of the case, the present petition is allowed. The petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

(DEEPAK GUPTA)
JUDGE

October 31, 2023
vcgarg

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