

**212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.28501 of 2022 (O&M)
Date of decision : 14.09.2023**

Khushdeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Amit Shukla, Asst. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.23 dated 06.02.2022 registered under Sections 22(c), 61, 85 of NDPS Act, at Police Station Jaito, District Faridkot.

2 Custody certificate has been filed. The same is taken on record.

3 The petitioner is alleged to have been found in conscious possession of 4500 tablets of Tramadol Hydrochloride recovered from the car, the petitioner was travelling.

4 Learned counsel for the petitioner submits that even though notice under Section 50 of the NDPS Act was given but there was no compliance of the same. Apart from that it has been submitted that the investigation already stands concluded. Challan stands presented. However, the trial is proceeding at snail's pace, as only 3 out of 22 witnesses have been examined despite the fact that the petitioner is in custody for more than 1 year, 7 months and 7 days. He further contends that

the petitioner has no criminal antecedents.

5 Reliance is being placed upon order passed by the Apex Court in ***Hasanujjaman & Ors. Vs. The State of West Bengal*** passed in ***Special Leave to Appeal (Crl.) No.(s) 3221/2023 dated 04.05.2023*** wherein the Court observed as under :-

“1. There are three petitioners in this Special Leave Petition, who were accused of committing an offence under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, ‘NDPS Act’) in FIR No.18/2022, dated 09.01.2022, registered at Police Station Islampur, District Murshidabad, West Bengal.

2. The allegations are that when the police party intercepted the petitioners along with another person riding on two motorcycles, they were found in possession of codeine phosphate in a consignment of phensedyl bottles loaded in two nylon bags. During the search, 115 bottles (100 ml. each) of phensedyl were recovered from the joint possession of the petitioners. They were arrested on the spot and have been in custody for more than one year and four months.

3. We have heard learned counsel for the parties and carefully perused the record.

4. The investigation is complete; chargesheet has been filed, though the charges are yet to be framed. The conclusion of trial will, thus, take some reasonable time, regardless of the direction issued by the High Court to conclude the same within one year from the date of framing of charges. The petitioners do not have any criminal antecedents. There is, thus, substantial compliance of Section 37 of the NDPS Act.

5. In such circumstances, but without expressing any views on the merits of the case, we deem it appropriate to release the petitioners on bail subject to the terms and conditions as may be imposed by the Trial Court.

6. Additionally, it is clarified that in case the petitioners are found involved in any other case under the NDPS Act or other penal law, it shall amount to misuse of the concession of bail granted to them today, and in such a case, necessary consequences shall follow.

7. The petitioners are further directed to appear before the Trial Court regularly. In the event of they being absent, it shall again be taken as a misuse of concession of bail.

8. The Special Leave Petition stands disposed of in the above terms.

9. As a result, pending interlocutory application also stands disposed of.

6 Learned State counsel is not in a position to dispute the
aforementioned factual assertions based on record.

7 I have heard learned counsel for the parties and have gone
through the records of the case.

8 Without commenting on the merits of the case and considering
the incarceration suffered by the petitioner and the fact that the investigation
is complete; chargesheet has been framed and the conclusion of the trial is
not going to conclude in the near future, the present petition is allowed.
The petitioner is ordered to be released on bail on his furnishing bail/surety
bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
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 Needless to say that anything observed herein shall not be
construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.09.2023

Pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes
No