

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-32498-2021 (O&M)
Date of Decision:-26.5.2023

Paramjit Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. N.S.Sodhi, Advocate with
Mr. Jashandeep Singh Sandhu, Advocate, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Mukhtiar Singh.

FIR No.	Dated	Police Station	Section
75	22.5.2020	City, Jalalabad, District Fazilka	22, 25, 29, 61, 85 of NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. It is the case of prosecution that a secret information was received by the police to the effect that Prince Pruthi and his brother Gaurav Pruthi were running a medical store and that they, in connivance with Paramjit Singh indulged in sale of intoxicant tablets in an illegal manner. The information was further to the effect that Paramjit Singh, after purchasing the said intoxicant tablets was present at Village Jaba in order to further sell the intoxicant tablets illegally. Pursuant to receipt of aforesaid information the

police raised barricades and apprehended 2 persons namely Gaurav Pruthi and Paramjit Singh from whose search 40000 tablets of 'Tramadol' were recovered. It is further the case of prosecution that during interrogation Gaurav Pruthi disclosed that more intoxicant tablets have been kept in Verna car bearing registration No.PB-61-C-8476 which was lying parked at their garage on Muktsar road, Jalalabad. The police, thereafter went to the said premises disclosed by Gaurav Pruthi where the aforesaid car was found parked and from which another 40000 tablets of 'CLOVIDOL (Tramadol)' were recovered.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It has further been submitted that the petitioner has been behind bars for a substantial period of more than 3 years and since the trial is proceeding at snail's pace, the petitioner cannot be kept behind bars for an indefinite period.
4. Opposing the petition, learned State counsel has submitted that since it is a case, wherein the petitioner was caught red-handed while in possession of 'commercial' quantity of contraband, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 3 years. It has also been informed that the petitioner happens to be involved in one more case registered for offence under NDPS Act. It has also been informed that till date only 1 PW out of the cited 27 PWs has been examined.
5. This Court has considered the rival submissions addressed before this Court.
6. The conclusion of trial is certainly likely to consume time inasmuch a large number of PWs i.e. 27 PWs have been cited. In these circumstances, having

regard to the custody of the petitioner i.e. more than 3 years and the fact that the trial is likely to be prolonged in view of the large number of witnesses, further detention of the petitioner would not be justified.

7. Since the petitioner seeks grant of bail mainly on account of long custody, 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. 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 Gujarat	About 2 years
Criminal Appeal No. 2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 Year and 8 months
Special Leave to Appeal (Crl.) No. 8653-2022	25.11.2022	Karim Adaldar Vs. The State of West Bengal	10 months

8. Hon’ble Supreme Court in yet another judgment dated 25.1.2023 arising out of SLP No.6690-2022 titled Dheeraj Kumar Shukla Vs. State of Uttar Pradesh has granted bail in a case registered under the NDPS Act where the

accused alongwith co-accused was found in possession of ‘commercial’ quantity of ‘Ganja’ and had been behind bars since the last two and a half years while observing that in the absence of any criminal antecedents, the conditions of Section 37 of the NDPS Act could be dispensed with at that stage, particularly when there was delay in conclusion of trial.

9. In yet another case titled Chet Ram @ Ram Veer Versus Union of India (Special Leave to Appeal (Crl.) No(s).1166/2023) decided on 15.3.2023, Hon’ble the Supreme Court granted bail to the petitioner, accused of possessing a ‘commercial’ quantity of contraband, who had been behind bars since the last about 3½ years and wherein only 1 PW out of cited 10 PWs had been examined despite the fact that he was involved in another case for offence under NDPS Act on the ground that the trial was not likely to be concluded immediately.
10. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
11. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

26.5.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No