

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28591-2022 (O&M)

Date of Decision: 24.2.2023

Hardeep Singh alias Deepu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Dinesh Kumar Prajapati, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.63 dated 12.3.2021 registered for the offences punishable under Sections 22(C) of NDPS Act at Police Station Lambi, District Sri Muktsar Sahib.

The allegations in nutshell are that the police recovered 140 strips of Clovidol-100 SR each having 10 tablets (total 1400 tablets) from the possession of the petitioner on the night intervening 11/12.3.2021.

Counsel for the petitioner submits that the petitioner is falsely implicated in the present case and is in custody for the last about 2 years. He further submits that the trial is not progressing ahead as till date no prosecution witness has been examined and that it will take considerable time for the trial to conclude. He further submits that in similar circumstances, this Court in CRM-M-48771-2021, Manjeet Singh v. State of Punjab decided on 14.2.2023, granted bail to the accused therein on

account of long incarceration of 2 years. He has also relied upon order dated 31.5.2022 passed by Coordinate Bench of this Court in CRM-M-20629-2022; Ghanso @ Kalo v. State of Punjab wherein also, the trial was not progressing ahead and the accused was in custody since long and thus, granted regular bail. Reference is also made by the counsel for the petitioner to order dated 5.7.2022 passed in CRM-M-8252-2022; Boota Singh v. State of Punjab wherein also, the bail was granted as the trial was not going ahead and the petitioner was in custody since long. So, prayer is made that the petitioner be released on regular bail.

Status report by way of affidavit of Balkar Singh, DSP, Sub Division, Malout, District Sri Muktsar Sahib filed on behalf of the State is ordered to be taken on record along with Annexure R-1 i.e. copy of FSL report and custody certificate.

State counsel has contested the present petition on the ground that commercial quantity of contraband is recovered from the petitioner. However, he has not disputed the fact that the petitioner is in custody for the last more than 1 year and 11 months. He further apprised the Court that the petitioner is also involved in one another case under Sections 354, 354-A, 354-D IPC. However, he has not disputed the fact that the trial is at its initial stage.

I have considered the submissions made by the counsel for the parties.

Counsel for the petitioner has mainly made his prayer for grant of bail on the ground of long incarceration and that the trial is not progressing ahead. In Manjeet Singh's case (supra), the accused therein was in custody for more than 2 years and that was case relating to recovery of

poppy husk whereas the present case is relating to recovery of medical intoxicants. In Ghanso @ Kalo's case (supra), the custody was about 3 years. In Boota Singh's case (supra), the bail was granted due to the fact that the prosecution witnesses were summoned number of times but they failed to turn up for recording of their statements.

Present case is relating to recovery of commercial quantity of contraband and bar contained under Section 37 of NDPS Act is attracted to the instant case.

In view of the above, no ground is made out for grant of regular bail to the petitioner. Accordingly, the present petition is dismissed. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

February 24, 2023
Paritosh Kumar

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