2023:PHHC:053373

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30642 of 2022
Date of decision: 18.04.2023

Pipal Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kamal Narula, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J.

Status report dated 18.04.2023 by way of affidavit of Sukhwinder Singh Brar, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka, has been filed on behalf of respondent-State, which is taken on record. Copy supplied.

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.53 dated 14.05.2020 under Sections 15, 18, 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Khuian Sarwar, District Fazilka.

Brief facts of the case are that a police party headed by ASI Harminder Singh along with other police officials laid a picket at Gumjal Barrier. They saw one trolla bearing registration No.PB-04P-4104 coming from the side of Rajasthan. Investigating Officer gave signal to stop the trolla. Petitioner, who was driving the said trolla, stopped the same at some distance and tried to fled away. However, petitioner-Pipal Singh and co-accused-Daler Singh were apprehended by the police and recovery of 9000 intoxicant tablets, 06 kgs of poppy husk and 80 grams of opium was

RAVINDER SINGH
2023.04.18 18:17
I attest to the accuracy and
integrity of this order/judgment

effected from the cabin of trolla.

Learned counsel for the petitioner contended that petitioner is innocent and has been falsely implicated in the present case. The alleged recovery has been effected from the cabin of the trolla. Learned counsel further submitted that investigation in the present case is complete; report under Section 173 has been presented before the trial Court on 22.09.2020; charges have been framed on 27.01.2021; out of total 15 prosecution witnesses no witness has been examined as yet and the case is now fixed before the trial Court on 29.05.2023 for prosecution evidence. He further submitted that petitioner is in custody since 14.05.2020. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

Per contra, learned State counsel on the basis of status report dated 18.04.2023 submits that recovery effected from the co-accused is commercial in nature. However, he could not refute that investigation is complete in the present case, challan has been presented; charges have been framed; out of total 15 prosecution witnesses none has been examined till date and petitioner is not involved in any other case.

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

In view of the custody period undergone by the petitioner, 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:-

RAVINDER SINGH
2023.04.18 18:17
I attest to the accuracy and
integrity of this order/judgment

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.5187 of 2021	10.11.2021	Kulwant Singh Vs. The State of Punjab	More than 2 years
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 Gurjarat	About 2 years
Special Leave to Appeal (Crl.) No.7840 of 2022	31.10.2022	Shahjad Vs. The State of Uttar Pradesh	About 2 years

Keeping in view the custody of the petitioner, which is about 02 years 11 months and 04 days; investigation is complete; challan has been presented; charges have been framed and out of 15 witnesses no witness has been examined till date; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

However, in addition to conditions that may be imposed by the

RAVINDER SINGH
2023.04.18 18:17
I attest to the accuracy and
integrity of this order/judgment

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.

In case of breach of any of the aforesaid conditions and those which may be imposed by the trial Court, the prosecution shall be at liberty to move an application for cancellation of bail of the petitioner.

The petition stands disposed of accordingly.

However, nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

(NAMIT KUMAR)
JUDGE

18.04.2023
R.S.

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

RAVINDER SINGH
2023.04.18 18:17
I attest to the accuracy and
integrity of this order/judgment