

CRM-M-40587 of 2021

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

CRM-M-40587 of 2021
Date of decision: 20.01.2023

Kala Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. J.S. Sandhu, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.01 dated 05.01.2020 under Sections 22, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Rurekalan, Barnala, District Barnala.

As per the prosecution version, on 05.01.2020 ASI Gurmail Singh along-with other police party in connection with patrolling and checking of suspected persons were present at Bus Stand, Rureke Kalan. Then he has received a secret information that Jasvir Singh @ Kala used to bring the intoxicant tablets and used to sold the same. If naka be laid on the link road of village Mehta to Rureke Kalan then he could be apprehended alongwith huge quantity of intoxicant tablets and then the case was registered against him. Then further investigation in the present case is carried out by ASI Manjit Singh. Then ASI Manjit Singh has apprehended

CRM-M-40587 of 2021

Jasvir Singh @ Kala and from his possession 1000 tablets of Clovidol 100-SR were recovered and he was arrested in the present case. Then during the investigation of the present case, petitioner-Kala Singh was nominated as an accused and offence U/s 29 NDPS Act was added.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He was not named in the FIR and has been nominated as accused on the basis of disclosure statement of co-accused Jasvir Singh @ Kala, who was arrested at the spot on 05.01.2020. Petitioner was arrested on 07.01.2020. Learned counsel further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 13 prosecution witnesses only four witness have been examined and the case is now fixed before the trial Court on 02.02.2023. He further submits that co-accused of the petitioner, namely Jasbir Singh @ Kala has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 21.11.2022 passed in CRM-M-36142 of 2022 – Jasbir Singh @ Kala v. State of Punjab. 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 has opposed the prayer for grant of regular bail to the petitioner. However, he could not refute that out of total 13 prosecution witnesses only four witness have been examined till date; petitioner is in custody for the last 03 years 12 days and the trial may take a considerable time to conclude.

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

CRM-M-40587 of 2021

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 :-

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 Gurjarat	About 2 years

Keeping in view the custody of the petitioner, which is 03 years 12 days; co-accused has already been granted the concession of regular bail by a Co-ordinate Bench of this Court; investigation is complete; challan has been presented; charges have been framed and out of 13 prosecution witnesses, only four prosecution witnesses has been examined and trial is

CRM-M-40587 of 2021

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.

The petition stands disposed off accordingly.

20.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No