

CRM-M-38135-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38135-2022

Date of decision:27.03.2023

Jagtar Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mandhir Singh Virk, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this third petition, the petitioner seeks regular bail in case FIR No.56 dated 20.04.2020, registered at Police Station Moonak, District Sangrur, under Sections 22 and 29 NDPS Act, 1985, Section 188 IPC and Section 207 of Motor Vehicles Act, 1988.

As per the case of prosecution, recovery of 1500 intoxicating tablets labelled as Clovidol-100 SR in 150 strips having 10 tablets each, had been effected from a bag carried by the petitioner while driving the motor-cycle.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though the extent of intoxicating tablets recovered in the present case, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody for more than 02 years and 02 months, and out of 20 prosecution

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witnesses, none has been examined so far. In such circumstances, conclusion of the trial would take a long time. Moreover, the petitioner is not involved in any other case, much less of a similar nature.

Learned counsel for the petitioner further contends that co-accused, namely, Gulzar Singh who was indicted in the present case on the disclosure statement of the petitioner, has since been granted the concession of anticipatory bail by this Court, vide order dated 21.01.2021, and that moreover, the petitioner had not misused the concession of interim bail granted to him, vide order dated 10.07.2020 passed by this Court, to await the FSL report. In support of his contentions, learned counsel relies upon the order dated 25.01.2023, delivered by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s).6690/2022, titled as 'Dheeraj Kumar Shukla Vs. State of Uttar Pradesh'.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the aforesaid extent of intoxicating tablets recovered in the present case, falls under the commercial quantity and the case of the petitioner is hit by the bar contained under Section 37 NDPS Act. She further submits that the petitioner had misused the concession of interim bail granted to him to await the FSL report; that after the receipt of the aforesaid report, the petitioner did not surrender before the trial Court well in time; that ultimately, the trial Court cancelled the interim bail of the petitioner and had issued warrant of arrest against him, and that the petitioner surrendered before the trial Court on 28.04.2021.

I have heard the learned counsel for the parties.

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The petitioner has been in custody for more than 02 years and 02 months. Out of 20 prosecution witnesses, none has been examined so far. The conclusion of the trial will take a long time. There are no past criminal antecedents of the petitioner. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. As stated above, the co-accused has since been granted the concession of anticipatory bail.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

27.03.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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