

2023:PHHC:103896
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37905-2023
DECIDED ON: 10.08.2023

SONU @ RAJBIR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. P.S. Bajwa, Addl. AG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., for grant of regular bail in FIR No.0183, dated 16.10.2021, under Sections 22 of NDPS Act, 1985 (Sections 27 & 29 of NDPS Act added later on) registered at Police Station City-2 Mansa, District Mansa (Annexure P-1).

2. Learned counsel for the petitioner contends that recovery of contraband i.e., 22 vials of *Omerex Cough Syrup Chlorpheniramine Maleate & Codeine Phosphate* Syrup alleged to have been recovered from the petitioner is non-commercial in nature and nothing by the Investigating Agency has been explained to ascertain that how the quantity of 2200 ml equivalent or more than 1 kilogram was annexed as there is no standardised formula of conversion. He asserts that petitioner was arrested on 16.10.2021, wherein charges were framed on 07.01.2022 and thereafter, the trial is proceeding at a snail pace and, therefore, prays for grant of regular bail on that account.

3. On the other hand, learned State counsel has filed the custody

recovery is more than 1 kg and therefore, the said contraband falls within the commercial quantity. It is also the case of the learned State counsel that it was recovered from the conscious possession, as it was the petitioner, who was carrying a black colour bag on his right shoulder containing the said contraband.

4. Be that as it may, considering the custody part i.e., 1 year, 9 months and 24 days, as is evident from the custody certificate added with the fact that the petitioner is not involved in any other case whatsoever, meaning thereby he is not a habitual offender and also the circumstances, wherein charges were framed on 07.01.2022 as out of total 16 witnesses, only 1 has been examined so far, sufficient to show that conclusion of trial will take considerable long time, this Court is of the view that, no useful purpose would be served by keeping the petitioner behind the bars, which would also be violative of principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court in various judgment, while relying upon the judgment of the Apex Court rendered in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

5. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

10.08.2023

Meenu

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