

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

**CRM-M-39195-2023
DECIDED ON: 03.11.2023**

PARDEEP SINGH @ NATTI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

 Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the third time under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.91, dated 17.07.2022, under Section 21 of the NDPS Act, 1985, registered at Police Station Sadar Zira, District Ferozepur.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as earlier the petitioner had dispute/altercation with the police. He further submits that the alleged recovered contraband i.e., 255 grams of heroin is marginally over and above the commercial quantity and the mandatory provisions of NDPS Act have not been complied with. It is contended on behalf of the petitioner that out of total 11 prosecution witnesses only 3 have been examined after framing of charges on 14.03.2023.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that he has suffered incarceration for a period of 1 year, 3 months and 17 days and he is involved in two more cases, wherein he is on bail. Though, he does not

controvert the fact that after framing of charges on 14.03.2023, out of total 11 prosecution witnesses only three have been examined till date.

4. Considering the fact that the petitioner has suffered incarceration of 1 year, 3 months and 17 days added with the fact that the trial is moving at the snail's pace as out of total 11 prosecution witnesses only 3 have been examined after framing of charges on 14.03.2023 so far, which curtails the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India.

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

6. In the afore-said terms, the present petition is hereby allowed.

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

03.11.2023
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>