

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-40199-2023

Date of Decision:-23.08.2023

GURJIT SINGH @ VICKY

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Harpreet Maini, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J. (Oral)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No.57 dated 18.05.2021 under Section 22(C) of the NDPS Act registered at Police Station Gidderbaha, District Sri Muktsar Sahib.
2. Learned counsel for the petitioner contends that its a case of false implication, wherein the alleged recovery of 1000 tablets containing slat Clevedol-SR-100 has been planted upon the petitioner at the hands of police authorities alone. He contends that the petitioner is in custody since 18.05.2021 and no other case of NDPS is pending against him, showing that the petitioner has clear antecedents.
3. Learned counsel for the petitioner further asserts that Section 50 of the Act has also not complied with in letter and spirit as no public witness was joined by the police party, at the time of alleged recovery of 1000 Tablets. She submits that there are total 14 prosecution witnesses, out of which only 2 witnesses have been examined 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 as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.***

4. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. A copy of the same has been furnished to the counsel for the petitioner. It has been asserted by learned State counsel that the allegations levelled against the petitioner are serious and grave in nature and recovery effected from the petitioner is commercial in nature. However, he does not dispute the fact that the petitioner is in custody for 2 years 3 months and 5 days and out of 14 prosecution witnesses, only two witnesses have been examined so far.

5. Be that as it may, this Court crystallizes the fact that the petitioner is found to be in alleged possession of 1000 tablets containing slat Clevedol-SR-100 but there is no other case of NDPS pending against him. The investigation of case is complete and is at the stage of prosecution witnesses.

6. In view of the fact that trial is likely to take long time, as out of total 14 prosecution witnesses, only 2 witnesses have been examined so far and petitioner is in custody for 2 years 3 months and 5 days, 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.

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.

23.08.2023

P.Bhatt

(SANDEEP MOUDGIL)
JUDGE

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