

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-25095-2023 in/and
CRM-M-58383-2022 (O&M)
Date of Decision:-14.7.2023

Taranpreet Singh @ Taran @ Titli ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Guninder Singh Brar, Advocate for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
118	18.6.2021	Sadar Khanna, District Ludhiana	22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

CRM-25095-2023

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 29.8.2023 and is taken on board today.

CRM-M-58383-2022 (Main Case)

1. This is the second petition filed on behalf of the petitioner seeking grant of regular bail in respect of the abovementioned FIR. The first petition having been dismissed vide order dated 2.12.2022 (Annexure P-4).

2. As per the case of prosecution, on 18.6.2021 when a police party was present at T-Point Korri, G.T. Road for the purpose of patrolling and checking, then at about 10 p.m., a young man was noticed coming from village Korri, who was limping and was carrying a white coloured envelope in his left hand. The said person, upon seeing the police party, sat down on the pretext of urinating and dropped the white coloured envelope. He was apprehended on the basis of suspicion and upon being asked, disclosed his name as Beeru Singh. The envelope thrown by the said person was found to contain 810 narcotic pills which later, upon chemical analysis, were found to contain 'Tramadol'. The total weight of the recovered tablets was found to be 324.81 grams. It is further the case of prosecution that the aforesaid Beeru Singh, during interrogation, disclosed the name of the petitioner to be the supplier.
3. Learned counsel for the petitioner submits that it is a case where the co-accused Beeru Singh had been caught at the spot and it was upon his disclosure statement that the petitioner came to be arrested subsequently. Learned counsel for the petitioner submitted that, in these circumstances, the petitioner, who was never found in possession of any contraband in the present case, cannot be said to be in conscious possession of any contraband at any point of time. It has further been submitted that since co-accused Beeru Singh, from whom the recovery was effected, has already been granted bail vide order dated 9.5.2022 (Annexure P-2), the petitioner also deserves the same concession on grounds of parity. It has further been submitted that the petitioner has been behind bars since the last more than 1 year and not even a single PW has been examined till date.

4. Opposing the petition, learned State counsel has submitted that since the petitioner has been subsequently named by co-accused Beeru Singh, who was found in possession of a ‘commercial’ quantity of contraband, no case for grant of bail is made out particularly bearing in mind the antecedents of the petitioner, who happens to be involved in 6 other cases including one case under NDPS Act. Learned State counsel has further pointed out that during the course of investigation statements of some other PWs have been recorded under Section 161 Cr.P.C., who have also stated that the petitioner indulges in drug trafficking.
5. Learned counsel for the petitioner, at this stage, has clarified that the only other case under NDPS Act against the petitioner pertains to offence under Section 27 of NDPS Act i.e. the allegation of consumption of contraband.
6. Learned State counsel has, however, not disputed that the petitioner has been behind bars since the last 1 year, 1month and 6 days and that till date not even a single PW out of the cited 11 PWs has been examined.
7. This Court has considered the rival submissions addressed before this Court.
8. Since the petitioner seeks grant of bail mainly on account of long custody, 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 Gujarat	About 2 years
Criminal Appeal No. 2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 Year and 8 months
Special Leave to Appeal (Crl.) No. 8653-2022	25.11.2022	Karim Adaladar Vs. The State of West Bengal	10 months

9. Hon'ble Supreme Court in yet another judgment dated 25.1.2023 arising out of SLP No.6690-2022 titled Dheeraj Kumar Shukla Vs. State of Uttar Pradesh has granted bail in a case registered under the NDPS Act where the accused alongwith co-accused was found in possession of 'commercial' quantity of 'Ganja' and had been behind bars since the last two and a half years while observing that in the absence of any criminal antecedents, the conditions of Section 37 of the NDPS Act could be dispensed with at that stage, particularly when there was delay in conclusion of trial.
10. In yet another case titled Chet Ram @ Ram Veer Versus Union of India (Special Leave to Appeal (Crl.) No(s).1166/2023) decided on 15.3.2023, Hon'ble the Supreme Court granted bail to the petitioner, accused of possessing a 'commercial' quantity of contraband, who had been behind bars since the last about 3½ years and wherein only 1 PW out of cited 10 PWs had

been examined despite the fact that he was involved in another case for offence under NDPS Act on the ground that the trial was not likely to be concluded immediately.

- 11. Keeping in view the facts and circumstances of the case particularly the custody of the petitioner i.e. 1 year, 1 month and 6 days and bearing in mind the fact that conclusion of trial is likely to consume time inasmuch as not even a single PW out of the cited 11 PWs has been examined so far and that co-accused Beeru Singh @ Beeru has already been granted bail vide order dated 9.5.2022 (Annexure P-2) passed in CRM-M-36099-2021, the petitioner also deserves the same concession on grounds of parity as well.
- 12. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
- 13. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

14.7.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No