

**110+225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Neutral Citation No. 2024:PHHC:047268
CRM-10507-2024 in/and
CRM-M-574-2024
Date of Decision: April 08, 2024**

Deva Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

CRM-10507-2024

This is an application under Section 482 Cr.P.C. to place on record the copy of the order passed in earlier petition as Annexure P-5.

Application is allowed.

Annexure P-5 is taken on record.

Main Case

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.324 dated 25.11.2022, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') (Sections 15 and 29 of the NDPS Act added later on), registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. This is second petition for the purpose. The earlier petition was dismissed as withdrawn vide order dated 25.08.2023 passed in CRM-M-12978 of 2023 (Annexure P-5).

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3. Allegations are that 54 KG. 800 grams of poppy husk was recovered from the possession of the petitioner on 25.11.2022.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he was nominated on the basis of disclosure statement of co-accused Sarabjit Singh @ Bhangi, who was initially apprehended. Learned counsel for the petitioner further contends that the petitioner is in custody for the last more than 01 year and 04 months and that the trial is not proceeding as even the charges have been framed and thus even a single witness has not been examined so far.

5. Learned State counsel has opposed the bail petition by pointing out that the recovered quantity of contraband falls in the commercial category. However, it is conceded that as of now, despite filing of the challan, even the charges have not been framed and 13 witnesses have been cited by the prosecution.

6. Apart from above, as per the custody certificate, petitioner is in custody for the last 01 year, 04 months and 07 days. He was involved in one more case bearing FIR No.138 dated 20.04.2019, under Section 21 of the NDPS Act, registered at Police Station Phillaur, but he has already been acquitted in that case on 02.09.2023. Petitioner is also involved in one more case also, but that does not pertain to NDPS Act. The recovered quantity of contraband is marginally higher than the commercial category.

7. Having regard to all the aforesaid facts and circumstances, particularly, long custody period of the petitioner and also the fact that trial is likely to take long time to conclude, but without commenting anything on

the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

April 08, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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