

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-2167 of 2024(O&M)
Date of Decision: 05.03.2024

Jagat Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Abhinav Sood, Advocate
For the petitioner.

Mr. Viney Phogat, DAG Haryana

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 88 dated 21.03.2021, registered under Section 22(c), 61 and 85 of Narcotic Drugs and Psychotropic Substances Act (for short the NDPS Act) at Police Station Kheripul, District Faridabad.

2. As per allegations appearing on record police recovered 50 injections of Buprenorphine IP Leegesic (2ml each) from possession of the petitioner on 21.03.2021. The petitioner was arrested at the spot.

3. The counsel for the petitioner submits that the petitioner is falsely implicated in the present case and is now in custody for the last more than 02 years and 11 months and is having no criminal history and that trial Court is unable to conclude the trial within a period of 08 months in compliance of the earlier directions given by this Court vide order dated 28.10.2022 in CRM-M-33032 of 2022 and that even now the trial is fixed

for examination of remaining prosecution witnesses. It is further submitted that it will take time for the trial to conclude. So, prayer is made that present petition be allowed.

4. The present petition is resisted by the State counsel who submits that commercial quantity of contraband was recovered from the possession of the petitioner and strict provisions of Section 37 of the NDPS Act are applicable to the present case and that the trial is going on. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 02 years and 11 months and that he has no criminal history.

5. I have considered the submissions made by counsel for the parties.

6. Indeed the case is relating to recovery of commercial quantity of medical intoxicants from petitioner who is in custody for the last more than 02 years and 11 months and is having no criminal antecedents. Earlier petitioner filed CRM-M 33032 of 2022 which was disposed of by this Court with direction to trial Court to dispose of the trial within next 08 months vide order dated 28.10.2022. However, the trial is still going on and is now fixed for recording of remaining evidence on behalf of the prosecution.

7. The Hon'ble Supreme Court in **Hasanujjaman & Ors. Vs. State of West Bengal SLP(Crl.) No. 3221 of 2023 decided on 04.05.2023** granted bail to the accused in a case relating to recovery of commercial quantity of contraband, on account of the fact that he was in custody for more than 01 year and 04 months and having no criminal antecedents.

8. In the present case it will take time for the trial to conclude. There is a delay in trial and petitioner is not responsible for the same. In the given circumstances, the effect of stringent provisions of Section 37 of NDPS Act will be diluted. No fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

9. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

05.03.2024
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(KARAMJIT SINGH)
JUDGE

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