

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRM-M-2843-2024
Date of Decision.:24.01.2024

Sandeep Kumar
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Verma, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of second petition filed under Section 439 Cr.P.C in case FIR No.60 dated 30.03.2022 registered under Section 22 of NDPS Act, 1985 registered at Police Station STF, Phase IV, SAS Nagar. Earlier petition bearing No. CRM-M-20906-2023 is stated to have been dismissed as withdrawn.

2. As per the prosecution allegations, 4500 intoxicating tablets containing the salt of Tramadol Hydrochloride weighing 1665 gram were recovered from the possession of the petitioner on 30.03.2022.
3. Learned counsel contends that petitioner has been falsely implicated; that he has no criminal antecedents and that he is in custody for the last more than 01 year and 09 months. Learned counsel further contends that examination-in-chief of only two prosecution witnesses has been recorded so far and trial is likely to take long time to conclude.
4. Notice of motion.
5. Mr. Karunesh Kaushal, AAG, Punjab accepts notice on behalf

CRM-M-2843-2024

of respondent- State.

6. Learned State counsel, on instructions from ASI Piara Singh, concedes the fact that petitioner has no criminal antecedents. Custody certificate has also been placed on record by learned State counsel revealing that petitioner is in custody for the last 01 year 09 months and 27 days. Learned State counsel also concedes that out of 14 witnesses cited by the prosecution only the examination-in-chief of 02 witnesses has been recorded. However, learned State counsel opposes the bail petition on the ground that recovered quantity fall in the commercial category.

7. Considering the fact that petitioner has no criminal antecedents; that petitioner is in custody for the last more than 01 year and 09 months and that trial may take time to conclude, having regard to all the above facts and circumstances, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

8. As such, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

January 24, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No