

**231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Neutral Citation No. 2024:PHHC:016994
CRM-M-2352-2024
Date of Decision: February 07, 2024

Baljit Singh alias Kana

...Petitioner

Versus

State of Pujab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.K. Singla, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of his release on regular bail in a case arising out of FIRNo.204 dated 03.09.2020, under Sections 22 and 29 of the NDPS Act, 1985, registered at Police Sation Bhikhi, District Mansa.

2. Allegations are that 950 intoxicating tablets containing the salt of Clovidol-100 SR and 1120 tablets containing the salt of Prozolam 0.5 mg. from the possession of co-accused Gurpreet Singh on 03.09.2020. It is alleged that during his interrogation, said co-accused Gurpreet Singh nominated the petitioner to be the supplier.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in this case; that no recovery was effected from him; that he is in custody for the last more than 03 years and that the trial may take long time to conclude, so he be allowed bail.

4. Notice of motion.

5. Mr. Karunesh Kaushal, AAG, Punjab accepts notice on behalf of respondent-State.

6. Learned State counsel, on instructions from S.I. Rajender Singh, concedes the fact that the petitioner has been nominated on the

Neutral Citation No. 2024:PHHC:016994
CRM-M-2352-2024

- 2 -

basis of disclosure statement of co-accused and that no recovery is effected from him. However, bail petition has been opposed by learned State counsel on the ground that contraband recovered from co-accused is of commercial category and that the petitioner is involved in four more cases pertaining to NDPS Act, as per the custody certificate, out of which, he is acquitted in one case. It is also informed by learned State counsel that out of 14 witnesses cited by the prosecution, 05 have been examined so far. Thus, the trial may take long time to conclude.

7. No doubt, petitioner is involved in other cases also, but at the same time, it is the conceded position that no recovery has been effected from the petitioner in the present case. In such like circumstances, criminal antecedents of the petitioner cannot be a ground, so as to decline the bail. It is also noticed by this Court that as per custody certificate, petitioner is in custody for the last 03 years and 01 day.

8. Having regard to the aforesaid factual position, particularly the long custody period of the petitioner and that the trial may take long time to conclude, petitioner is admitted to bail. He is ordered to be released on regular 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.

February 07, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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