

CRM-M-4522-2023

CRM-M-33775-2023

CRM-M-62825-2023

Neutral Citation No. 2024:PHHC:059580

Neutral Citation No. 2024:PHHC:059582

Neutral Citation No. 2024:PHHC:059583

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: May 01, 2024

1.

CRM-M-4522-2023

Variam Singh @ Moni

...Petitioner

Versus

State of Punjab

...Respondent
2.

CRM-M-33775-2023

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent
3.

CRM-M-62825-2023

Ajaydeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Naveen Bawa, Advocate for the petitioner
in CRM-M-4522-2023.

Mr. Amit Arora, Advocate for the petitioner
in CRM-M-33775-2023.

Mr. Nitin Narula, Advocate for the petitioner
in CRM-M-62825-2023.

Mr. Gurpartap Singh Bhullar, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

In the three petitions titled above, all filed under Section 439

Cr.P.C., petitioners pray for their release on regular bail in a case arising out

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of FIR No.0179 dated 16.08.2022, under Sections 21(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act'), registered at Police Station Special Task Force, District STF Wingh, Mohali.

2. Allegations are that on 16.08.2022, the three petitioners, namely, Variam Singh @ Moni, Gupreet Singh @ Gopi and Ajaydeep Singh were apprehended by the police during patrolling, on the basis of a secret information. All of them were found in possession of 500 grams of heroin kept in a transparent polythene bag in the tool kit of a bike.

3. Learned counsel for the petitioners contend that the petitioners have been falsely implicated; that they are in custody for the last more than 01 year and 08 months; that they are not involved in any other case pertaining to NDPS Act; and that the trial is not proceeding further and so they be allowed bail.

4. Separate status reports alongwith custody certificates in all the three petitions have been filed.

5. Learned State counsel opposed the bail petitions on the ground that the recovered quantity of contraband falls in the commercial category. However, learned State counsel could not refute the contention that none of the petitioners is involved in any other case pertaining to the NDPS Act.

6. As per the respective custody certificates of the three petitioners, all of them are in custody for the last 01 year, 08 months and 15 days. Petitioners – Variam Singh @ Moni and Gurpreet Singh @ Gopi have no other criminal case pending against them; whereas petitioner – Ajaydeep

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Singh is involved in one more case, but that too does not pertain to NDPS Act.

7. Apart from above, learned State counsel, on instructions from ASI Manpreet Singh, informs that out of 11 witnesses cited by the prosecution, not even a single witness has been examined so far and the next date before the Trial Court is 20.05.2024. Thus, trial is likely to take long time to conclude.

8. Having regard to the all the aforesaid facts and circumstances, particularly the long incarceration of the three petitioners in custody, the rigors of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India providing for the fundamental right of the life and liberty, of which the right of speedy trial forms part.

9. Considering the aforesaid factual position, but without commenting anything further on the merits of the case, all the three petitioners are admitted to bail. They are ordered to be released on bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

Photocopy of this order be placed on the connected case files.

May 01, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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