

S. No.219

2024:PHHC:018490

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

CRM-M-6116 of 2024

Date of Decision:09.02.2024

Resham Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Satnam Singh Gill, 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 regular bail in case FIR No.51 dated 09.04.2021 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Sadar Dhuri, District Sangrur.

It is Fifth petition filed by the petitioner for this purpose. First petition bearing CRM-M-39659 of 2021 (O&M) was dismissed as withdrawn at that stage vide order dated 28.09.2021 (Annexure P.1). Second petition bearing CRM-M-45970 of 2021 was dismissed by this Court wayback on 08.11.2021 (Annexure P.2) on merits. Third petition bearing CRM-M-47548 of 2022 was dismissed as withdrawn being not pressed vide order dated 11.01.2023 (Annexure P.3). Fourth petition bearing CRM-M-19627 of 2023 was also dismissed as withdrawn being not pressed vide order dated 29.04.2023 (Annexure P.4).

Allegations against the petitioner are that 1500 tablets containing the salt of Tramadol were recovered from the possession of the petitioner on 09.04.2021. The weight of the contraband works out to be 500 grams, which is double the commercial category.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is not involved in any other case pertaining to the NDPS Act; that he is in custody for more than 02 years and 09 months and trial is likely to take long time. Learned counsel further contends that since the dismissal of second bail petition filed by petitioner on merits on 08.11.2021, considerable period of more than two years has elapsed but trial is not progressing.

Notice of motion.

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

Learned State Counsel, on instructions from ASI Pargat Singh, informs that out of 16 witnesses cited by the prosecution, only 02 have been examined so far. Learned State Counsel also placed on record the custody certificate, which reveals that petitioner is in custody for the last 02 years 09 months and 29 days. Though he is involved in four more cases but none of them pertains to the NDPS Act.

Having regard to all the afore-said facts and circumstances, particularly long incarceration of the petitioner in custody, the fact that trial is going at snail's pace and is likely to take long time to conclude, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

February 09, 2024
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(DEEPAK GUPTA)
JUDGE

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