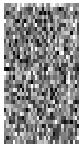


S.No.221

2024.PHHC.087347



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Gurdeep Singh
Vs.
State of Punjab

CRM-M-6703 of 2024
Date of Decision:14.05.2024
.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Ilyas Khan, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

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.368 dated 09.12.2020 registered under Section 22 (Act No.61 of 1985) of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, Dera Bassi, District SAS Nagar (Mohali).

Status report by way of affidavit of Shri Vaibhav Chaudhary, IPS, Assistant Superintendent of Police, Sub Division, Dera Bassi, District SAS Nagar, has been filed on behalf of the respondent- State, along with the custody certificate.

As per prosecution allegations, raid was conducted on the shop of the petitioner and he was found in possession of a plastic polythene kept under the counter, which contained 15 packets of intoxicating tablets of Microlit. Each packet contained 100 tablets. Thus, total 1500 packets were recovered, containing the salt of Diphenoxylate Hydrochloride. As per the status report, weight of the said contraband tablets was found to be 114 grams.



Learned counsel contends that petitioner has been falsely implicated; that he is in custody for the last more than two years; that the petitioner is a handicapped person; that he is not involved in any other case and that trial is not proceeding further and so, in all these circumstances, he be allowed bail.

Learned State Counsel has opposed the bail petition by pointing out that recovered quantity of contraband falls in the commercial category.

The custody certificate placed on record would reveal that the petitioner is in custody for the last two years and one day. It is also revealed that the petitioner is not involved in any other case.

On instructions from ASI Paramjit Singh, learned State Counsel also informs that out of 13 witnesses cited by the prosecution, only three have been examined so far. Thus trial is likely to take long time to conclude.

Having regard to all the afore-said facts and circumstances, particularly the long incarceration of the petitioner in custody and that he has no other criminal case pending against him, the rigors of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India guaranteeing fundamental right to life and liberty, which includes the right to speedy trial. As such, without commenting anything further on the merits of the case, the 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, on usual terms and conditions.

May 14, 2024
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(DEEPAK GUPTA)
JUDGE

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