

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

2024:PHHC:089344



(212)

CRM-M-7481-2024(O&M)
Date of Decision: 17.07.2024

Lachhman Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA.

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Eklavya Darsi, DAG, Punjab.

DEEPAK GUPTA.J (Oral)

CRM-25851-2024

This is an application for placing on record Annexures A-1 to A-4.

Application is allowed as prayed for.

Annexures A-1 to A-4 are taken on record.

Main Case

1. Status report has been filed by way of affidavit of Sh. Sumit Sood, Dy.S.P., Sub Division, Adampur, Jalandhar (Rural).
2. Prayer in this petition filed under Section 439 Cr.P.C is for grant of regular bail in case FIR No.86 dated 17.06.2021 registered under Section 21-C of NDPS Act and Section 25 of Arms Act at Police Station, Adampur, District Jalandhar.
3. This is the second petition praying for grant of regular bail. The earlier petition i.e. CRM-M-30066-2022 was dismissed as withdrawn vide order dated 19.09.2023.

4. As per the prosecution allegations, petitioner was apprehended by a police party on 17.06.2021 while travelling in a car and from his possession 1 kg. of heroin along with 4 revolvers with 6 cartridges were recovered.

5. The contention raised by learned counsel for petitioner is that petitioner having been falsely implicated is in custody for the last more than three years and that not even a single witness has been examined by the prosecution and that petitioner has no criminal antecedents.

6. Learned State counsel has strongly opposed the contentions on the ground that the recovered quantity of the contraband is four times from the threshold at which commercial category starts. Besides, apart from the contraband, even four revolvers and six cartridges were also recovered from him. Learned State counsel has also referred to Section 37 of the NDPS Act. At the same time learned State counsel has placed on record the custody certificate revealing that petitioner is in custody for the last 3 years and 21 days. Besides he is not involved in any other case. It is also mentioned in the status report that out of 15 witnesses cited by the prosecution, not even a single witness has been examined so far despite the fact that charges were framed on 20.05.2023.

7. No doubt that contraband of commercial nature along with arms has been recovered from the petitioner but the Court cannot ignore the long incarceration in custody of the petitioner, which is now more than 3 years. Besides he is not involved in any other case. The prosecution has not even started leading its evidence and thus, it is beyond imagination as to how much time, it will take to conclude the evidence.

8. In the aforesaid circumstances, the rigor of Section 37 of NDPS Act is required to be balanced with Article 21 of the Constitution of India providing for the fundamental right of life and liberty, of which the right of speedy trial forms part.

9. Considering all the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, the petitioner is admitted to bail. He is ordered to be released on 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.

17.07.2024
lucky

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No