

2024:PHHC:068150



S. No.208

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

CRM-M-8813 of 2024

Date of Decision:15.05.2024

Mani Ram

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, 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.13 dated 19.02.2023 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Moonak, District Sangrur.

2. Status report by way of affidavit of Shri Parminder Singh, PPS, Deputy Superintendent of Police, Sub Division Moonak, District Sangur has been filed on behalf of the respondent- State, along with the custody certificate.

3. As per allegations, petitioner was apprehended on 19.02.2023 and recovery of 5 Kg of Charas was effected from him.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he has never been involved in any such other case; that he is in custody for the last more than 01 year and 02 months; that the trial will take long time to conclude and so, in all these circumstances, he be allowed bail.



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5. Learned State Counsel has opposed the bail petition by submitting that recovered quantity of contraband falls in the commercial category and the rigors of Section 37 of the NDPS Act are applicable.
6. Custody certificate placed on record reveals that the petitioner is in custody for the last 01 year 02 months and 24 days. It is further revealed that the petitioner is not involved in any other case.
7. Learned State Counsel, on instructions from ASI Amandeep Singh, submits that out of 14 witnesses cited by the prosecution, only 03 have been examined so far. Thus, the trial is likely to take long time.
8. 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 15, 2024
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(DEEPAK GUPTA)
JUDGE

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