



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

CRM-M-10614-2024

Date of Decision: July 09, 2024

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Manjot Kaur, Advocate for the petitioner.

Mr. Eklavya Darsi, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.103 dated 28.09.2022, under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Urban Estate, Patiala.

2. Status report by way of affidavit of Shri Jangjit Singh, Deputy Superintendent of Police, City-2, District Patiala alongwith custody certificate has been filed on behalf of respondent-State.

3. This is the second petition for the purpose. The earlier petition bearing CRM-M-20279-2023 was dismissed as withdrawn vide order dated 09.11.2023 (Annexure P-4).

4. As per the prosecution allegations, petitioner alongwith co-accused Chetan Kumar was apprehended by the police party on 28.09.2022.

They were found in possession of 1200 intoxicating capsules, which were

found containing the salt of tramadol hydrochloride and the total weight was found to be 643.20 grams.

5. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 09 months; and that the trial is no proceeding further, so he be allowed bail.

6. Learned State counsel strongly opposed the bail petition by pointing out that the recovered quantity of contraband falls in the commercial category and that it is more than double the threshold from which the commercial starts. Learned State counsel also contends that petitioner is involved in one more case pertaining to NDPS Act.

7. Custody certificate placed on record would reveal that petitioner is in custody for the last 01 year, 09 months and 09 days. He is involved in one more case pertaining to NDPS Act.

8. At the same time, it is informed by learned State counsel that out of 14 witnesses cited by the prosecution, not even a single witness has been examined so far. Thus, trial is likely to take long time to conclude.

9. In the aforesaid circumstances, the rigor of Section 37 of the NDPS Act is 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.

10. Considering all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, 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.

July 09, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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