

CRM-M-11620-2024-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(211)

CRM-M-11620-2024
Date of decision:- 11.07.2024

Ranjeet Singh... Petitioner

Versus

State of Haryana... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. D.S.Virk, Advocate
for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This is the third petition filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
67	24.06.2020	Rori, District Sirsa	22 (c) of the NDPS Act

2. Version of the prosecution is that FIR, Annexure P-1, has been registered, when during routine patrolling, a motorcycle with three riders, was intercepted. Bhola Singh was driving the motorcycle, whereas Ranjeet Singh (present petitioner) and Harmandeep Singh @ Bura were sitting behind him. Recovery of 1390 tablets, containing salt *Tramadol Hydrochloride* weighing 1168.99 grams, was effected from the petitioner.



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3. Counsel for the petitioner submits that the petitioner was released on interim bail by this Court vide order dated 05.10.2020, Annexure P-2, as FSL report was not received and on the submission of the report in the Court, petitioner surrendered on 08.02.2022. He asserts that the petitioner never misused the concession of the bail. He has placed reliance upon the judgment of the Supreme Court in ***Dheeraj Kumar Shukla Versus The State of Uttar Pradesh, 2023 SCC Online SC 918*** to contend that as the petitioner is not involved in any other criminal case under the NDPS Act, in view of his long detention and a remote possibility of an early conclusion of trial, he deserves to be released on bail.

4. *Per contra*, State counsel, upon instructions, has opposed the petition by inviting the attention of the Court to the bar as contained in Section 37 of the NDPS Act. He asserts that huge quantity of contraband has been recovered from the possession of the petitioner and his case is not at par with that of the co-accused, who have been released on bail. As per his specific instructions, three out of eleven prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. In ***Dheeraj Kumar Shukla's*** case (supra), Supreme Court has observed that the conditions laid down in Section 37 of the NDPS Act can be dispensed with where an accused has undergone a sufficiently long custody. As per Custody Certificate filed by the State counsel, which is taken on record, petitioner has been in custody for thirty two months.



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Although, he is named as an accused in two other criminal cases, but he has no other case under the NDPS Act. Trial is at an early stage as the prosecution is yet to examine eight more witnesses. This Court, therefore, is inclined to accept the prayer made in the petition.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

11.07.2024
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No