

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-14467-2023 (O&M)
Date of Decision:-19.3.2024

Jaswinder Singh @ Laddy ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Vinay Kumar Malhotra, DAG, Punjab,
assisted by ASI Mithu Ram.

FIR No.	Dated	Police Station	Section/s
147	17.07.2021	Dirba, District Sangrur	22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. As per the case of prosecution, petitioner-Jaswinder Singh @ Laddy was apprehended by the police on 17.7.2021 on the basis of secret information. The search of petitioner led to recovery of 770 intoxicant tablets labeled as ‘Tramadol Hydrochloride’.

3. Learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that in any case the petitioner has been behind bars for a period of about 2 years, 6 months and 29 days and since as of now, only 5 out of the cited 24 PWs have been examined, the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that having regard to the fact that a 'commercial' quantity of contraband, no case for grant of bail is made out. It has also been informed that the petitioner stands involved in 1 more case i.e. FIR No.124, dated 22.7.2019, Police Station Dirba, District Sangrur, under Sections 14/22/29/61/85 of NDPS Act, wherein the petitioner is already on bail. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 2 years, 6 months and 29 days and that only 5 out of the cited 24 PWs have been examined till date.
5. This Court has considered the rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is alleged to have been caught red handed while in possession of a 'commercial' quantity of contraband. Although the petitioner is stated to be involved in one more case i.e. FIR No.124, dated 22.7.2019, Police Station Dirba, District Sangrur, under Sections 14/22/29/61/85 of NDPS Act but the said matter pertains to recovery of non-commercial quantity and wherein he is already on bail.
7. The conclusion of trial is certainly likely to consume time inasmuch a large number of PWs i.e. 24 PWs have been cited. In these circumstances, having regard to the custody of the petitioner i.e. about 2 years, 6 months and 29 days and the fact that the trial is likely to be prolonged in view of the large

number of witnesses, further detention of the petitioner would not be justified.

8. Since the petitioner seeks grant of bail mainly on account of long custody, it is apposite to refer to a few judgments of Hon’ble Supreme Court in this regard wherein Hon’ble Supreme Court has granted the concession of bail solely on ground of long custody :-

Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon’ble Supreme Court.
Criminal Appeal No. 245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No. 668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No. 5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No. 4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No. 1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No. 5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gujarat	About 2 years
Criminal Appeal No. 2027-2022	22.11.2022	Karnail Singh Vs. The State of Odisha	1 Year and 8 months
Special Leave to Appeal (Crl.) No. 8653-2022	25.11.2022	Karim Adaldar Vs. The State of West Bengal	10 months

9. Hon’ble Supreme Court in yet another judgment dated 25.1.2023 arising out of SLP No.6690-2022 titled Dheeraj Kumar Shukla Vs. State of Uttar Pradesh has granted bail in a case registered under the NDPS Act where the accused alongwith co-accused was found in possession of ‘commercial’

quantity of ‘Ganja’ and had been behind bars since the last two and a half years while observing that in the absence of any criminal antecedents, the conditions of Section 37 of the NDPS Act could be dispensed with at that stage, particularly when there was delay in conclusion of trial.

10. In yet another case titled Chet Ram @ Ram Veer Versus Union of India (Special Leave to Appeal (Crl.) No(s).1166/2023) decided on 15.3.2023, Hon’ble the Supreme Court granted bail to the petitioner, accused of possessing a ‘commercial’ quantity of contraband, who had been behind bars since the last about 3½ years and wherein only 1 PW out of cited 10 PWs had been examined despite the fact that he was involved in another case for offence under NDPS Act on the ground that the trial was not likely to be concluded immediately.
11. In any case, the petitioner has already been behind bars for a substantial period of 2 years, 6 months and 29 days but despite the said custody only 5 out of the cited 24 PWs have been examined till date. The petition, as such, is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
12. It is, however, directed that in case the petitioner is found to be indulging in similar offence again, the prosecution would be at liberty to move an application for cancellation of bail before this Court.

19.3.2024

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(Gurvinder Singh Gill)
Judge

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