

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

Neutral Citation No. **2024:PHHC:045543**
CRM-M-15357-2024
Date of Decision: April 04, 2024

Karamjit Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Kapil Khanna, Advocate for the petitioner.

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.0034 dated 04.02.2023, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act') (sections 22, 22-C/61 of the NDPS Act added later on), registered at Police Station Sahnewal, District Ludhiana.

2. As per prosecution allegations, petitioner was apprehended on suspicion by police party on 04.02.2023, when he threw a polythene from the left pocket of his trouser. On search, 340 grams of heroin was found from his pocket.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that there is no compliance of Section 50 of the NDPS Act. Learned counsel contends further that petitioner is in custody for the last more than 01 year and 01 month; and that the trial is not proceeding as not even a single witness has been examined so far. Learned counsel also submits that petitioner is not involved in any other case pertaining to NDPS Act.

4. Notice of motion.

5. Mr. Gurpartap Singh Bhullar, AAG, Punjab accepts notice on behalf of respondent-State.

6. Learned State counsel opposed the bail petition by pointing out that the recovered quantity of contraband falls in the commercial category. However, it is conceded by learned State counsel that out of 12 witnesses cited by the prosecution, not even a single witness has been examined so far, although, the charges were framed by the Trial Court on 15.05.2023. The recovered quantity of contraband, though falls in the commercial category, but at the same time, it is noticed that the petitioner is in custody for the last 01 year, 01 month and 26 days. Petitioner was involved in one more case bearing FIR No.14 dated 20.01.2021, under Sections 346, 376, 366, 384 and 506 of IPC, registered at Police Station Anaj Mandi, but he was acquitted in that case on 17.02.2024.

7. In the aforesaid facts and circumstances, when the trial is likely to take long time to conclude , so having regard to the long incarceration of the petitioner, the rigors of Section 37 of the NPDS Act are required to be balanced with Article 21 of the Constitution of the India, of which the speedy trial is a facet.

8. As such, 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.

April 04, 2024

sarita

(DEEPAK GUPTA)

JUDGE

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