



CRM-M No.16676 of 2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH*Sr. No. 211*

CRM-M No.16676 of 2024

Date of Decision: 01.07.2024

Surjeet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Neeraj Sharma, Advocate, for
Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

By way of this petition filed under Section 439 Cr.P.C, the petitioner prays for grant of regular bail in case FIR No.0267, dated 29.11.2022, registered under Section 21 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act'), (Section 29 of the NDPS Act added later on), at Police Station Sadar Fazilka, District Fazilka.

As per the allegations, 2 kgs 105 grams of heroin was recovered from the possession of co-accused Raj Singh and Jagtar Singh @ Kala while riding a motor cycle. It is alleged that during interrogation, one of the co-accused Raj Singh nominated the petitioner to be one of the person, who along with other had gone to receive the heroin. The

**CRM-M No.16676 of 2024****-2-**

petitioner was arrested on 29.11.2022.

Learned counsel for the petitioner contends that petitioner has been falsely implicated on the basis of disclosure statement of the co-accused; that no recovery has been effected from him. Learned counsel further contends that petitioner is in custody for the last more than 01 year and 05 months and that the trial is likely to take long time to conclude.

Learned State counsel has opposed the bail petition on the ground that recovered quantity of contraband falls in the commercial category and the petitioner is involved in four other cases, out of which three pertains to NDPS Act.

Heard.

It is conceded position that as far as the present case is concerned, no recovery has been effected from the petitioner. He has been implicated only on the basis of disclosure statement.

A perusal of the custody certificate reveals that the petitioner is in custody for the last 01 year, 05 months and 24 days. Learned State counsel also informs that out of 29 witnesses cited by the prosecution, only one has been examined. Thus, trial is likely to take long time to conclude.

In the aforesaid circumstances, the criminal antecedents cannot be the reason to decline bail, particularly when no recovery was effected from the petitioner. Besides, considering long incarceration of petitioner in custody, 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.

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

Allowed.

01.07.2024

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(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No