

CRM-M-17337-2024-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(219)

CRM-M-17337-2024
Date of decision:- 22.05.2024

Bhinder Singh... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Karanjit Singh, Advocate for the petitioner.

Mr. Brijesh, AAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

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

FIR No.	Dated	Police Station	Sections
78	11.08.2021	Verowal, District Tarn Taran	21 (c) and 29 of the NDPS Act, 1985

2. Version of the prosecution is that during routine patrolling, a clean shaven youth was stopped on suspicion. On his personal search, 273 grams heroin was recovered from the pocket of his lower. He was found to be carrying a sum of Rs.850/-. On the basis of his disclosure statement, another recovery of 225 grams was made from him from an agricultural field.

3. Counsel for the petitioner contends that the petitioner is in detention since 16.08.2021 and the trial is proceeding at a slow pace. He

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submits that although petitioner has been named as an accused in some other cases, but except for one, all the cases are pending trial. He submits that the petitioner has been convicted for an offence under the NDPS Act for a period of one month on the basis of his confession. It is his argument that the petitioner has been falsely implicated due to personal rivalry and the mandatory provisions of the NDPS Act have not been complied with at the time of search and seizure. He asserts that the previous bail petition, filed by the petitioner, was withdrawn in November, 2023 and since then there has been no progress in the trial at all.

4. *Per contra*, State counsel, upon instructions from ASI, Karamjit Singh, has opposed the petition by referring to Section 37 of the NDPS Act. He submits that in view of the bar contained in the provision, petitioner is not entitled to be released on bail. He has filed Custody Certificate dated 21.05.2024, which is taken on record and has highlighted the criminal past of the petitioner. As per his instructions, two, out of thirteen prosecution witnesses, have been examined.

5. Having heard counsel for the parties, but without commenting upon the merits of the allegations levelled against the petitioner, this Court is *prima facie* of the view that the petitioner deserves to be released on bail. Petitioner has been in custody for the last thirty three months. Eleven more witnesses are yet to be examined by the prosecution. There is a remote possibility of an early conclusion of the trial. However, while granting bail, this Court deems it appropriate to impose some conditions.

6. Petition is allowed.



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7. 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. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit stating that he will not henceforth get involved in any criminal activity and in case, he violates the undertaking, State will be at liberty to seek cancellation of the bail.
9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

22.05.2024
Kamal

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