

204-A
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19314-2022
Date of decision: 08.01.2024

Ravinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Munish Thakur, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. A.G. Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No.147 dated 29.10.2021, registered under Sections 22(C), 61 and 85 NDPS Act at Police Station Bassi Pathana, District Fatehgarh Sahib.
2. The case of the prosecution is nutshell is that on 29.10.2021 petitioner Ravinder Singh and co-accused Sanjay were arrested by the police and 16 injections of Buprenorphine were recovered from the possession of the petitioner while 14 injections Buprenorphine were recovered from possession of co-accused Sanjay and accordingly both the accused were arrested at the spot.
3. The counsel for the petitioner submits the petitioner is in

custody for the last more than 2 years and 2 months and is having no criminal antecedents and the trial is not progressing ahead as till date only 5 witnesses out of total 13 witnesses have been examined on behalf of the prosecution, so prayer is made the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel to submits that in the present case the commercial quantity of contraband was recovered from possession of the petitioner and embargo provided in Section 37 of NDPS Act is applicable to the instant case. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 2 years and 2 months and is having no criminal history and further it will take time for the trial to conclude.

5. I have considered the submissions made by counsel for the parties.

6. The petitioner was arrested in this case on 29.10.2021 and recovery of commercial quantity of contraband was effected from him. However, there is delay in conclusion of trial and it will take considerable time for the trial to terminate as out of total 13 witnesses only 5 witnesses are examined till date by the prosecution. The inordinate delay in trial infracts the petitioner's fundamental right to speedy trial. Admittedly, the petitioner who is having no criminal history is in custody for the last more than 2 years and 2 months. So further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of NDPS Act can be diluted bearing in mind the right to a speedy trial.

7. In the given circumstances, the continuation of petitioner in

judicial custody would not serve any purpose.

8. In the light of the above discussions, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

08.01.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No