

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRM-M-20052-2023
Date of Decision.:11.01.2024

Amrik Singh
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

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

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.65 dated 18.09.2022 registered under Section 22 of NDPS Act registered at Police Station Bakhshiwala, District Patiala.

2. As per the prosecution allegations, on 18.09.2022 on the basis of secret information petitioner Amrik Singh along with co-accused Sohan Deep were arrested. On search, from the polythene bag carried by petitioner 650 intoxicant capsules containing salt of Tramadol Hydrochloride were recovered. The weight of the same works out to be 344.5 gms.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that petitioner is in custody for the last more than 01 year and 03 months and that trial may take time to

conclude and so, petitioner be allowed bail.

4. Learned State counsel opposed the bail petition by pointing out towards the criminal antecedents & commercial category of the contraband recovered from the petitioner. Petitioner is in custody for the last 01 years 03 months and 22 days. It is also informed by learned State counsel that out of 09 witnesses cited by the prosecution not even a single witness has been examined so far. Thus, trial may take time to conclude.

5. Having regard to all the above facts and circumstances, particularly the custody period of the petitioner, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

6. As such, without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

January 11, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No