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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24198-2024(O&M)
Date of Decision: 22.05.2024

Ram Niwas Meena

....Petitioner

Versus

Union of India

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ravinder Malik (Ravi), Advocate, for the petitioner.

Mr. Sourabh Goel, Senior Panel Counsel,
for the respondent-UOI.

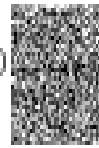
JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing Crime No.24 dated 14.05.2019, under Sections 8, 18, 29 & 60 of NDPS Act, registered at Police Station Narcotics Control Bureau, CZU, Chandigarh.

2. Reply filed on behalf of respondent is taken on record.

3. Learned counsel for the petitioner has submitted that the petitioner is in custody for 5 years and 6 days and charges in the present case were framed on 30.03.2020 which is more than 4 years and there are total 27 prosecution witnesses and even 13 witnesses are yet to be examined. He further submitted that the allegation in the present case was pertaining to recovery of 20 kgs. of *Opium* from two accused including the petitioner. He submitted that the other co-accused namely Dinesh Kumar Suman has

already been extended the benefit of regular bail by this Court in CRM-M-



13984-2024 on 15.05.2024 and the petitioner is not only at parity with the aforesaid co-accused but he is rather on a better footing in view of the fact that the other co-accused was the driver of the car, whereas the petitioner was allegedly sitting next to him. He submitted that the aforesaid co-accused has been granted bail by passing a detailed order by this Court while referring to the judgments of Hon'ble Supreme Court in *Satender Kumar Antil Versus Central Bureau of Investigation and another* [2022 (10) SCC 51], *Mohd. Muslim @ Hussain Versus State (NCT of Delhi)* [2023 AIR (SC) 1648], *Dheeraj Kumar Shukla v. The State of Uttar Pradesh, 2023 SCC Online SC 918* and *Rabi Prakash Versus State of Odisha, Special Leave to Appeal (Crl.) No.4169 of 2023* on the ground that there had been a long incarceration of more than 5 years and the trial is progressing at a slow pace and right to speedy trial has been affected and in view of the aforesaid position, the bail was granted to the other co-accused and therefore, the petitioner may also be considered for the grant of regular bail.

4. On the other hand, Mr. Sourabh Goel, learned Senior Panel Counsel for the respondent-UOI has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner is also at parity with the other co-accused namely, Dinesh Kumar Suman who has already been granted bail by this Court in CRM-13984-2024 on 15.05.2024.

5. I have heard the learned counsels for the parties.

6. It is a case where the petitioner has already faced incarceration for more than 5 years and he is exactly at parity with the other co-accused namely, Dinesh Kumar Suman who has been extended the benefit of regular bail by this Court as aforesaid.



7. After hearing the learned counsels for the parties, this Court is of the view that considering the judgments of Hon'ble Supreme Court as aforesaid and considering the long custody of the petitioner which is more than 5 years and the stage of the trial, the bar contained under Section 37 of the NDPS Act will not apply to the petitioner in the light of Article 21 of the Constitution of India.

8. Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

9. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

22.05.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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