

**CRM-M-24166-2024****1****IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH****CRM-M-24166-2024****Date of decision : October 22, 2024**

Resham Singh @ Babbi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Fateh Saini, Advocate for
Mr. KS Sidhu, Advocate, for the petitioner

Mr. Sahil R. Bakshi, AAG, Punjab

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No. 03 dated 03.01.2024, under Sections 21 of the NDPS Act, (Section 31 of the NDPS Act added vide DDR No. 31 dated 05.01.2024), registered at Police Station Abohar, District Fazilka.

2. In the instant case, the petitioner was arrested on the spot by the police agency, carrying 20 grams of heroin, along with Rs 11800/-, and two mobile phones.

3. Learned counsel for the petitioner, in asking for the relief of regular bail, submits that the petitioner has suffered incarceration of 09

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months and 15 days as on today, and till date only one prosecution witness has been examined out of total 9 witnesses cited by the prosecution in final report. He further submits that the petitioner is involved in others cases of NDPS Act, however, merely pendency of other similar matters could not deprive the petitioner's right to seek speedy trial which is enshrined under Article 221 of the Constitution of India.

4. The instant petition is opposed by the learned State counsel, and he also placed on record the custody certificate. He also informed this Court that out of 9 witnesses cited by the prosecution, only one witness has been examined, and the next date fixed before the learned trial court concerned is 25.10.2024. He further submits that the petitioner is involved in five more cases of NDPS Act, therefore, the petitioner is habitual offender, and does not entitle for the relief of regular bail, though he fairly admits that the recovery effected from the present petitioner falls within the ambit of non-commercial quantity.

5. I have considered the rival submissions of the learned counsel for the parties, and of the view that the instant petition deserves to be allowed for the hereinafter reasons:-

- (i)that the petitioner has suffered incarceration of 09 months and 15 days;
- (ii)that the trial is at the initial stage, as only one witness out of nine cited by the prosecution has been examined;
- (iii)though the petitioner is involved in five more NDPS Act cases, but in the instant FIR, the recovery effected from the



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petitioner is only 20 grams of heroin, which is marginally above the small quantity.

6. Therefore, considering the recovery, days of incarceration, and the stage of trial, this Court deems it appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.
7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

October 22, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned ? *Yes/No*
Whether Reportable ? *Yes/No*