



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M No.25008 of 2024 (O&M)**

Date of decision: 4<sup>th</sup> September, 2024

Sandeep Singh

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Nikhil Chopra, Advocate for the petitioner.

Mr. Gagandeep S. Chhina, Asst. Advocate General, Haryana  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.74 dated 13.04.2022 under Sections 22-C/27-A/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Jakhal, District Fatehabad. This is second petition filed by the petitioner.

2. At the outset, a query has been put to the learned counsel for the petitioner as to what is the material change in circumstances after the previous petition under Section 439 Cr.P.C. was withdrawn on 30.10.2023 by the petitioner. It has been submitted by the learned counsel that subsequently, co-accused of the petitioner i.e. Jagsir @ Jagseer Singh and Sandeep Chugh @ Ashu have been enlarged on bail



by this Court vide order dated 10.07.2024, on account of inordinate delay in the conclusion of the trial.

3. Learned counsel has argued that the petitioner has now been in custody for almost 2 ½ years, having been arrested on 13.04.2022; challan in the present case was presented way back on 07.10.2022 and charges framed on 09.05.2023, however, it has been asserted by the learned counsel that till date, it is a matter of record, none of the 24 prosecution witnesses, who in the present case are all police officials, have been examined. While placing reliance upon various judicial pronouncements of the Hon'ble Supreme Court, including ***'Dheeraj Kumar Shukla Vs. State of Uttar Pradesh' (SLP(Crl.) No.6690/2022) decided on 25.01.2023***, learned counsel has submitted that in identical circumstances, Hon'ble the Apex Court had done away with the bar under Section 37 of the NDPS Act and on account of the delay in the trial, attributable to the prosecution, had extended the concession of bail to the accused therein. Learned counsel has, thus, prayed that in the instant case also the petitioner cannot thus, be made to languish in custody for reasons not attributable to him but to the prosecution alone.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the stage of the trial and also that co-accused of the petitioner were admitted to bail on account of the repeated non-



appearance of the prosecution witnesses, and also their long custody period. However, learned State counsel, on further instructions, has submitted that a secret information was received qua the involvement of the petitioner in drug trafficking and a huge recovery of 2790 tablets of Alprazolam and 1930 tablets of Tramadol were then affected from him.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. It is evident, in the facts and circumstances of the case, that the trial has come to a virtual stand-still after charges were framed way back on 09.05.2023, as not even a single prosecution witness, out of the 24 cited has been examined till date. Therefore, possibility of the trial concluding in the near future seems unlikely. Hon'ble the Supreme Court, in ***Dheeraj Kumar Shukla's case (supra)***, has observed as under:-

*“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”*

7. In the facts and circumstances, as enumerated hereinabove and the observations made by Hon'ble the Supreme Court in ***Dheeraj***



*Kumar Shukla’s case (ibid)*, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)  
JUDGE

September 4, 2024  
rps

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |