



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

CRM-M-27640-2023

Date of Decision: May 13, 2024

Tarsem Singh @ Shammi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manpreet Singh Sidhu, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

By way of present petition under Section 439 Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.129 dated 10.09.2022, under Section 15(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act'), registered at Police Station Lohian, District Jalandhar.

2. As per the prosecution allegations, 80 Kg. of poppy husk kept in two plastic bags was recovered from the conscious possession of the petitioner.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated because petitioner had taken photographs of the police party, while raiding a neighbouring house. As the police came to know about this fact, the said police party implicated the present petitioner in this case. Learned counsel for the petitioner has drawn attention towards certain photographs (Annexure P-3) in order to show that the Investigating Officer of the case was holding a wooden stick and catching hold of the

petitioner by neck. Learned counsel contends that the petitioner has been

implicated only because of the enmity with the police party. Learned counsel also contends that the petitioner is in custody for the last more than 01 year and 08 months and that the trial is not proceeding and so he be allowed bail.

4. Learned State counsel has strongly opposed the bail petition by pointing out towards the fact that the recovered quantity of contraband falls in the commercial category. Attention is also drawn towards the custody certificate in order to show that the petitioner is involved in numerous cases pertaining to Excise Act. Besides, he has been convicted in as many as 03 cases of Excise Act and one case of NDPS Act.

5. Heard.

6. As per the custody certificate, petitioner is in custody in the present case for the last 01 year, 08 months and 3 days. No doubt, he is undertrial in various cases pertaining to Excise Act and he has also been convicted in some of the cases. He is also a convict pertaining to NDPS Act, which was lodged way back in October, 2009 and in which he has completed his sentence way back in July, 2014 as is evident from the custody certificate.

7. Apart from above, as it is informed by learned State counsel, on instructions from ASI Avtar Singh, that out of 10 witnesses cited by the prosecution, only 03 have been examined so far. Thus, trial is likely to take long time to conclude. The recovered quantity of contraband no doubt falls in the commercial category, but the Court cannot ignore the incarceration period of the petitioner and the fact that trial is not proceeding at the required speed.

8. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Allowed.

May 13, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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