

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204-CRM-M-29591-2022

Date of Decision: 08.01.2024

Shampy Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. PS Sekhon, Advocate for the petitioner

Mr. Ramdeep Pratap Singh, Sr. DAG Punjab

Sandeep Moudgil, J. (Oral)

[1] This is a petition under Section 439 of Cr.P.C. seeking regular bail in FIR No.208, dated 11th December, 2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter 'the Act'], registered at Police Station Passiana, Patiala.

[2] During patrolling on 11th December, 2020, the police party checked scooter bearing registration No. PB-11CT-1701 driven by Shampy Singh (petitioner). From his conscious possession 840 intoxicating tablets were recovered, found to be Tramadol.

[3] Learned counsel appearing for the petitioner submits that the petitioner is in custody for the last more than 3 years.

[4] Learned State counsel has filed custody certificate dated 07.01.2024 which is taken on record, according to which, the petitioner has undergone 2 years 11 months and 24 days of custody. He opposed the prayer for grant of regular bail and, on instructions from SI Navdeep Kaur, submits that petitioner is involved in another NDPS case i.e. FIR No.50 dated 01.01.2018 under Sections 22/61/85 NDPS Act wherein the petitioner is on

bail. He further submits that recovery of 385 grams of Tramadol was effected from the possession of the petitioner and relies upon Section 37 of the Act. He then argued that the trial is proceeding and earnest efforts would be made to conclude the prosecution evidence as expeditiously as possible.

[5] The petitioner has undergone nearly 3 years of custody. The quantity recovered from the petitioner is slightly above commercial. In the other FIR registered against the petitioner under the NDPS Act, he is on bail. The trial is still pending which is at the evidence stage. Also taking into consideration the fact that the trial is likely to take some time, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

08.01.2024

V. Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No