

CRM-M-33878 of 2023

2024:P-HC:077795



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

CRM-M-33878 of 2023
Date of decision: 30.05.2024

Devinder Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

NAMIT KUMAR, J.

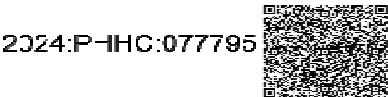
1. Instant second petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.73 dated 22.08.2022 under Sections 15, 25, 29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kathgarh, District Shaheed Bhagat Singh Nagar.

2. As per case of the prosecution, on 22.08.2022 a police team headed by ASI Jasvir Singh was on patrolling duty and on the basis of secret information, truck bearing registration No.PB-12-N-2621 was stopped by them and Davinder Singh (petitioner) and Jatinder Singh were found in the truck. 52 kgs of poppy husk was recovered from the truck and petitioner was arrested.



innocent and has been falsely implicated in the present case. He further contends that no recovery has been effected from the petitioner. He further submits that co-accused, namely Surjit Singh, has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 12.02.2024 passed in CRM-M-60521 of 2022 – Sujit Singh v. State of Punjab. Learned counsel further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 13 prosecution witnesses 10 witnesses have been examined and the case is now fixed before the trial Court on 05.07.2024 for prosecution evidence. He submits that petitioner is in custody since 22.08.2022. He is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel, while placing on record the custody certificate dated 29.05.2024, submits that petitioner does not deserve the concession of regular bail as the recovery effected from him falls under the category of ‘commercial quantity’. However, he could not dispute that co-accused-Sujit Singh has been granted regular bail by a Co-ordinate Bench of this Court on 12.02.2024; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 13 prosecution witnesses 10 witnesses have been examined; the case is now fixed before the trial Court on 05.07.2024 for prosecution evidence; petitioner is in custody for the last 01 year 09 months and 04 days and he is not involved in any other case.



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

6. In view of the custody period undergone by the petitioner, it is apposite to refer to a few judgments of Hon’ble Supreme Court in this regard wherein Hon’ble Supreme Court has granted the concession of bail solely on ground of long custody:-

Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon'ble Supreme Court
Criminal Appeal No.245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No.668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No.5187 of 2021	10.11.2021	Kulwant Singh Vs. The State of Punjab	More than 2 years
Special Leave to Appeal (Crl.) No.5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No.4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No.1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No.5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gurjarat	About 2 years



Special Leave to Appeal (Crl.) No.7840 of 2022	31.10.2022	Shahjad Vs. The State of Uttar Pradesh	About 2 years
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7. Keeping in view the custody of the petitioner, which is 01 year 09 months and 04 days; investigation is complete; *challan* has been presented; charges have been framed and out of 13 prosecution witnesses, 10 witnesses have been examined; petitioner is not involved in any other case and co-accused has been granted regular bail and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court. However, in addition to conditions that may be imposed by the trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions: -

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence similar to the one alleged in the present case.
- (v) The petitioner shall deposit his passport, if any with the trial Court.
- (vi) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the trial Court, the prosecution shall be at liberty to move an application for cancellation of bail of the petitioner.

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9. The petition stands disposed of accordingly.

30.05.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No