

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214 (02 cases)

CRM-M-33527-2022
Date of Decision.:01.04.2024

Vikas Singh @ Vicky

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.22 dated 10.02.2022 registered under Sections 21, 22, 29 of NDPS Act, 1985 registered at Police Station Garhshankar, District Hoshiarpur.

2. As per the allegations, in a raid conducted at the house of the petitioner and the co-accused, 25 injections without any label along with 100 gram of Heroin was recovered from the possession of the petitioner; whereas 25 injections were recovered from co-accused Shivani. From the diggy of Aactiva an amount of ₹3,27,000/- as drug money was also recovered. As per the FSL report (copy Annexure R-1) the injections contained the salt of Buprenorphine Hydrochloride.

3. Contention of learned counsel for the petitioner is that petitioner has been falsely implicated; that he is in custody for the last more than 02 years; that trial may take time to conclude and so, he be allowed bail.

4. Learned State counsel has opposed the bail petition by submitting that recovered quantity of contraband falls in the commercial category. Learned State counsel has also placed on record custody certificate in order to contend that custody period of the petitioner in the present case is only 09 months and 06 days; that he is involved in so many other cases and he is also a convict in two cases.

5. Perusal of the custody certificate reveals that custody period of the petitioner as under-trial is from 11.02.2022 to 14.11.2022, which is for 09 months and 06 days. It is revealed further that his sentence then started in case FIR No.144 dated 04.08.2020 registered at Police Station Garhshankar in which he was convicted under Section 61/1/14 of Excise Act. The other conviction of the petitioner as recorded is under Section 188 of the IPC. Petitioner is also involved in four other cases as per the details given in the custody certificate.

6. At the same time, it is informed by learned State counsel that out of 12 witnesses cited by the prosecution, only 02 have been examined so far. Thus trial is likely to take long time. Besides this, conviction of the petitioner has not been recorded in any case pertaining to NDPS Act.

7. Having regard to the above facts and circumstances and the fact that trial may take time to conclude, no purpose shall be served by keeping

the petitioner detained, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

April 01, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No