

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

214

2024:PHHC:006261

CRM-M-38024-2023

Date of decision: January 18th, 2024

Surinder Pal Singh @ Prince

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.203 dated 28.07.2021 under Section 22 of the NDPS Act, 1985 registered at Police Station Anaj Mandi, Patiala.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner along with two others was arrested on 28.07.2021 on suspicion by the police and thereafter recovery of 2400 tablets of tramadol was planted upon him. Learned counsel submits that after the challan was presented on 26.10.2021, charges were framed on 24.03.2022, however, the trial had not yet concluded as it had come to a virtual standstill and till date only two prosecution witnesses had been examined. Learned counsel has submitted that the petitioner, in the circumstances, cannot be made to languish in custody for reasons not attributable to him but to the prosecution as it is a matter of record that the prosecution witnesses, who in the instant case, are all police officials, had not been appearing before the trial Court to get their

evidence recorded. It has been further submitted that in similar circumstances, co-accused Jaspreet Singh alias Preeti and Bharat Bhushan had been granted the concession of bail vide order dated 30.11.2023 and 31.12.2023 respectively.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that as on date, only two prosecution witnesses stand examined, however, he submits that a recovery totalling 2400 tablets of tramadol was effected from all the three accused including the petitioner, who were walking together. It has been further submitted that the delay in trial has only occurred on account of the prosecution witnesses not appearing regularly before the trial Court. Learned State counsel has, however, submitted that the petitioner is involved in four other cases, though only there is one case under the NDPS Act, which was registered way back in the year 2012, wherein the petitioner had already served out his sentence, while the other cases are under Section 379 of the IPC and under the Excise Act.

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

5. The petitioner has been in custody for more than 2 years and 5 months having been arrested on 28.07.2021 and the possibility of the trial concluding anytime in the near future appears to be remote as the next date fixed before the trial Court is only 26.02.2024, when some prosecution witnesses are likely to be examined.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

The instant petition is allowed. The petitioner be admitted to bail to the

satisfaction of the trial Court/Duty Magistrate concerned.

7. 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 18th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No