

[234] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39831-2023

Date of Decision : 09.01.2024

Gurpreet Ram alias Gurmeet

...Petitioner

versus

State of Punjab

....Respondent

Coram : **HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present : Mr. S.S. Gill, Advocate for the petitioner.
Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.46 dated 06.04.2022 under Sections 22 and 29 of the NDPS Act, 1985 registered at Police Station Dirba, District Sangrur.

[2] Status report has not been filed by the learned State Counsel.

[3] This is the second petition. The earlier petition is stated to have been dismissed as withdrawn.

[4] As per the prosecution allegations, 800 intoxicating tablets containing the salt of Tramadol HCL and Paracetamol, weighing 572.8 grams were recovered from the petitioner on 06.04.2022.

[5] It is contended by learned counsel for the petitioner that the petitioner is in custody for the last more than 01 year and 09 months and trial will take time to conclude and so he be allowed on bail.

[6] Learned State Counsel has opposed the bail petition by pointing out towards the commercial category of the contraband recovered from the possession of the petitioner. The State Counsel also brought attention to the

Act.

[7] Heard.

[8] As per the custody certificate, the petitioner is in custody for the last 01 year, 09 months and 05 days. It is also informed by the State counsel that out of 14 witnesses cited by the prosecution, only 04 have been examined so far. Though, petitioner is involved in two more cases of the NDPS Act but he is on bail in those cases, as per the copies of orders placed on record by learned counsel for the petitioner.

[9] Having regard to the above facts and circumstances particularly custody of the petitioner, the rigors of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India providing for fundamental right of life and liberty, of which, speedy trial is one of the facet.

[10] Having regard to the above facts and circumstances, 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

09.01.2024
'Rajneesh'

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