



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

CRM-M-44719-2023

Date of decision: 27.09.2024

Blaraj Singh @ Baza

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of regular bail in a criminal case having FIR No.11 dated 23.02.2021, under Section 21(c)/25/29 NDPS Act, registered at Police Station Khalra, District Tarn Taran.

2. The allegations in nutshell are that police apprehended the present petitioner and recovered 258 grams of heroin from him on 23.02.2021. Thereafter, police recovered another 1280 grams of heroin from house of co-accused Harchand Singh on the basis of disclosure statement suffered by present petitioner.

3. The counsel for the petitioner submits that petitioner was falsely implicated in the present case. The alleged recoveries are already effected and petitioner is incarcerated for last more than 3 years and 6 months. It is further submitted that as per custody certificate, petitioner is also involved in one another case under NPDS Act wherein he has been



granted bail vide order dated 29.11.2023 having CRM-M-46980-2023. The copy of the said order is produced, which is taken on record. The counsel for the petitioner further submits that the petitioner cannot be held liable for recovery of 1280 grams of heroin which was effected from house of the co-accused. It is further submitted that the trial is not proceeding ahead and no purpose is going to be served by keeping in the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who submits that the case is relating to recovery of more than 1500 grams of heroin. It is further submitted that at the first instance 258 grams of heroin was recovered from possession of the petitioner and thereafter, another 1280 grams of heroin was recovered from house of co-accused Harchand Singh at the instance of the petitioner. It is further submitted that the trial is going on and prosecution has already examined 8 witnesses out of total 15 witnesses. However, the State counsel has not disputed the fact that in the another case, faced by petitioner under NDPS Act, he is enlarged on bail.

5. I have considered the submissions made by counsel for the parties.

6. Undoubtedly, the present case is relating to recovery of commercial quantity of contraband and thus, is covered under the rigors of Section 37 NDPS Act. Admittedly, petitioner is already given benefit of bail in one another case faced by him under NDPS Act. In the present case, the petitioner is behind the bars for last more than 3 years and 6 months. It will take time for the trial to conclude as till date, prosecution is able to examine just 8 witnesses out of total 15 witnesses. The delay in trial is not attributed

to the present petitioner, in any manner. In view of the fact that the trial is being delayed, embargo provided under Section 37 of NDPS Act can be diluted to an extent and the petitioner can be given benefit of bail, keeping in view the right to a speedy trial as mandated under Article 21 of the Constitution of India.

7. In view of the above, this Court is of the opinion that no purpose is going to be served by prolonging judicial custody of the petitioner.

8. Consequently, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. In future, if petitioner is involved in some other case of drug trafficking, then the State will be at liberty to seek cancellation of his bail in the present case.

27.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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