



In the High Court for the States of Punjab and Haryana  
At Chandigarh

CRM-M-45245-2023 (O&M)  
Date of Decision:-28.5.2024

Bishamber Singh ... Petitioner  
  
Versus  
  
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Salil Dev Singh Bali, Ms. Simmy and  
Mr. Rajinder Yadav, Advocates, for the petitioner.  
  
Mr. I.P.S. Sabharwal, DAG, Punjab.

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| FIR No. | Dated     | Police Station                     | Section/s                                                                                                                                  |
|---------|-----------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| 110     | 23.4.2021 | Sadar Fazilka,<br>District Fazilka | 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 wherein offence under Section 61 and 85 of NDPS Act were added later on. |

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The case of the prosecution, in nutshell, is that the petitioner while travelling on a motor-cycle alongwith Mangat Ram and Ramandeep Singh was



apprehended and from whose possession 1550 tablets of 'Tramadol' and 500 tables of 'Alprazolam' were recovered. Ramandeep Singh is, however, alleged to have escaped from the spot.

3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the instant case and that, in any case, the petitioner has been behind bars for a substantial period of more than 3 years and no headway has been made in the trial till date. It has further been submitted that while co-accused Ramandeep Singh was enlarged on anticipatory bail, co-accused Mangat Ram was enlarged on regular bail after he had put in 1 year and 5 months of custody.
4. Opposing the petition, learned State counsel submits that since the petitioner was apprehended at the spot Section 37 of NDPS Act would come into play and that the petitioner, who already stands involved in two other cases under NDPS Act, does not deserve the concession of bail. It has however been informed that the petitioner has been behind bars since the last about 3 years and 1 month and that as on date only 6 PWs out of cited 14 PWs have been examined.
5. This Court has considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner was caught red handed at the spot while in possession of 'commercial' quantity of contraband. Though, learned State counsel has informed that the petitioner happens to be involved in two more cases under NDPS Act, but a perusal of judgment dated 14.10.2019 annexed as Annexure P-10 would indicate that the petitioner already stands



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acquitted in one of such cases. The other case under NDPS Act is stated to be pertaining to ‘non-commercial’ quantity. The petitioner has been behind bars since the last more than 3 years. Conclusion of trial is likely to take time inasmuch as only 6 PWs out cited 14 PWs have been examined so far. The petitioner would also deserve the concession of bail on grounds of parity since co-accused Mangat Ram already stands released on bail by this Court. Under these circumstances, further detention of the petitioner would not serve any useful purpose.

7 The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.5.2024

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( Gurvinder Singh Gill )  
Judge

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|----------------------------|----------|
| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |