

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 49243 of 2022 (O&M)
Date of Decision: 01.02.2024

Baljinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Rahul Arora, Advocate
for the petitioner.

Mr. Gurlal Singh Dhillon, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No. 41 dated 23.05.2021, under Sections 22 & 29 of NDPS Act, registered at Police Station Lakho Ke Behram, District Ferozepur, wherein the petitioner and his co-accused, namely, Gurnam Singh were implicated against the alleged recovery of 1600 and 600 tablets of Tramadol respectively.

[2] Learned counsel for the petitioner submits that the petitioner is in custody since 24.05.2021 and was falsely implicated in the present case; thus prayer is for grant of regular bail to the petitioner.

[3] On the other hand, learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while

submitting that the petitioner is involved in another FIR No. 42 dated 24.05.2021, based on disclosure statement made by one Gurwinder Singh.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, the investigation stands concluded with the filing of challan followed by framing of charges wayback on 01.04.2022; however, even after the expiry of almost one year and ten months, out of total 13 prosecution witness, only 04 have been examined, whereas the custody of the petitioner is more than 2 years and 8 months and thus, apparently his right of speedy trial, flowing from Article 21 of the Constitution of India, has been infringed. Besides it, the involvement of the petitioner in another FIR No. 41 dated 23.05.2021, is based on mere disclosure statement made by the co-accused, namely, Gurwinder Singh, while no recovery was effected from the petitioner in pursuance thereof and in the said FIR, he has been granted the concession of regular bail by this Court vide order even date passed in CRM-M-3382-2022.

[6] Considering the totality of the circumstances and the fact that the petitioner is behind the bars since 24.05.2021 as also the trial may take long time, this Court does not deem it appropriate to extend the incarceration of the petitioner.

[7] In view of the above, but without commenting upon merits of the present petition, the same is **allowed**. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[8] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

[9] Pending miscellaneous application(s), if any, shall also stand disposed off.

February 01, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

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