

S. No.215

2024:PHHC:006272

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

CRM-M-55794 of 2022

Date of Decision:18.01.2024

Sukhpal Singh alias Bablu

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.102 dated 05.06.2022 registered under Section 22 (Act No.61) of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Lehra, District Sangrur.

As per the prosecution allegations, 1200 intoxicating tablets containing the salt of tramadol hydrochloride were recovered from the conscious possession of the petitioner on 05.06.2022.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 07 months; that he is not involved in any other case and that not even a single witness has been examined so far.

Learned State Counsel has placed on record the custody certificate revealing that the petitioner is in custody for the last 01 year 07 months and 14 days with no criminal antecedents. It is further informed by learned State Counsel, on instructions from ASI Jasbir Singh, that out of 10 witnesses cited by

the prosecution, not even a single witness has been examined so far, though the charges were framed on 01.11.2022.

However, learned State Counsel opposed the bail petition by pointing out towards the commercial category of the contraband as recovered from the petitioner.

Heard.

No doubt, recovered quantity falls in the commercial category but at the same time, the Court cannot overlook the custody period of the petitioner which is more than 01 year and 07 months; that the petitioner has no criminal antecedents and the fact that not even a single witness has been examined so far which clearly indicate that trial is likely to take long time. In these facts and circumstances, rigors of Section 37 of the NDPS Act are required to be balanced with Article 21 of the Constitution of India guaranteeing fundamental right to life and liberty, of which speedy trial forms a part.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 18, 2024
renu

(DEEPAK GUPTA)
JUDGE

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