

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

CRM-M-55820-2023
Date of Decision : 10.01.2024

Lovepreet Singh @ Raju ...Petitioner

versus

State of PunjabRespondent

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

Present : Mr. Rahil Mahajan, Advocate and
Mr. Arjun Dosang, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

[1] Status report has not been filed on behalf of the respondent-State. Though, custody certificate dated 09.01.2024 has been filed in Court today. The same is taken on record.

[2] The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.301 dated 23.11.2022 under Section 21(c) (Section 29 added later on) of the NDPS Act, 1985, registered at Police Station Bullowal (STF Wing), District Hoshiarpur.

[3] This is the second petition. The earlier petition was dismissed as withdrawn on 19.07.2023.

[4] As per the prosecution allegations, 150 grams of heroin was recovered from the possession of the co-accused Sukhdev Singh @ Sukha; whereas 300 grams of heroin was recovered from the right pocket of the lower of the petitioner on 23.11.2022.

[5] It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the case; that co-accused Sukhdev Singh @ Sukha has already been allowed bail by the Co-ordinate Bench of this Court vide order dated 18.05.2023 passed in CRM-M-24560-2023 (Annexure P-5); the petitioner has no criminal antecedents and that the trial may take time to conclude so he be allowed bail.

[6] Though, status report has not been filed but learned State Counsel concedes the fact that the petitioner has no criminal antecedents. As per the custody certificate placed on record, the petitioner is in custody for the last 01 year, 01 month and 13 days. However, learned State Counsel opposed the bail on the ground that the recovered quantum of contraband from the petitioner falls in the commercial category and learned State Counsel, on instructions from ASI Jaswnat Singh, informs that the charges were framed on 07.06.2023 but not even a single witness has been examined so far, out of 15 cited by the prosecution.

[7] Heard.

[8] Having regard to the long incarceration in custody of the petitioner in the present case and the fact that the petitioner has no criminal antecedents and that the trial is not likely to be concluded early, 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.

[9] 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

10.01.2024
'Rajneesh'

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