

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-56633-2023
Date of Decision.:31.01.2024

Lali Singh
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. P.S. Sekhon, Advocate for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

Status report by way of an affidavit of Shri Prithvi Singh PPS, Deputy Superintendent of Police, Sub Division, Dirba along with custody certificate has been filed on behalf of respondent- State.

2. The petitioner is seeking regular bail by way of 3rd petition filed under Section 439 Cr.P.C in case FIR No.141 dated 11.07.2021 registered under Section 22 of NDPS Act registered at Police Station Dirba, District Sangrur. 1st petition bearing No.CRM-M-46735-2022 was dismissed as withdrawn vide order dated 21.07.2023 (Annexure P-9). In 2nd petition bearing No.CRM-M-49859-2023 (Annexure P-10), petitioner was directed to be produced at the venue of marriage of his relative.

3. As per prosecution allegations, 600 intoxicating tablets labelled as Radol-100 SR containing salt of Tramadol Hydrochloride were recovered from the possession of the petitioner on 11.07.2021. The weight of the said salt was found to be 273 gms.

4. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that he is in custody for the last more that 01 year

and 06 months; that trial may take long time to conclude and so, he be allowed bail.

5. Learned State counsel has opposed the bail petition by pointing out towards the commercial nature of the recovered quantity of contraband. However, custody certificate placed on record by learned State counsel reveals that custody period of the petitioner is 01 year 06 months and 21 days. Though he is involved in one more case pertaining to NDPS Act registered in the year 2020 but he is on bail in that case. It is also informed by learned State counsel that out of 13 witnesses cited by the prosecution, only 03 witnesses have been examined so far and thus trial is likely to take long time to conclude.

6. Having regard to all the above facts and circumstances, particularly the custody period of the petitioner and the slow pace of the trial which may take time to conclude, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

7. As such 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

January 31, 2024
Neetika Tuteja

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