

S. No.229

2024:PHHC:014076

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-57804 of 2023

Date of Decision:01.02.2024

Harjit Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Saurav Kanojia, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

Status report by way of affidavit of Shri Snehdeep Sharma, PPS, Assistant Inspector General of Police, Special Task Force, Ludhiana Range, Ludhiana has been filed on behalf of the respondent- State along with the custody certificate.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.22 dated 30.01.2020 registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per prosecution allegations, petitioner along with co-accused Kewal Krishan were travelling in a car on 30.01.2020 when they were apprehended and from their possession 1 Kg 28 grams of heroin, an electronic scale and 125 empty polythene bags were recovered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that he is in custody for the last 04 years with no other criminal case pending against him and that the trial is likely to take long time to conclude and in all these circumstances, he be allowed bail.

The custody certificate placed on record by learned State Counsel would reveal that the petitioner is in custody for the last 04 years in this case and no other case is pending against him. However, learned State Counsel opposed the bail petition on the ground that the recovered quantity of contraband is more than four times the commercial category and so rigours of Section 37 of the NDPS Act will be applicable. It is further informed by learned State Counsel that out of 23 witnesses cited by the prosecution, 12 have been given up, examination-in-chief of 04 and complete examination of 04 witnesses has been done and examination of 03 other witnesses is to take place.

No doubt that quantity of contraband as allegedly recovered from the petitioner falls in the commercial category but this Court cannot ignore the long incarceration of the petitioner for the last four years. Trial is not likely to conclude early as 04 witnesses have been examined completely, examination-in-chief of 04 witnesses has been done so far, through 12 have been given up and still 03 witnesses are to be examined. Thus, trial may take long time to conclude.

Having regard to all the afore-said facts and circumstances of the case and also the fact that the petitioner has no other criminal case pending against him, but without commenting anything on the merits of the case, 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.

February 01, 2024
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(DEEPAK GUPTA)
JUDGE

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