

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60987-2023
Date of Decision: May 02, 2024

VARUN TAYALPetitioner
Versus
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Pratula Sethi, Advocate for the petitioner.
Mr. Rahul Jindal, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of this second petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 126 dated 17.06.2022 registered under Section 21 of NDPS Act (Sections 21-C, 27, 27-A and 29 of NDPS Act were added later on) at Police Station STF, Phase-4, Mohali, SAS Nagar wherein, the petitioner has been implicated against the alleged recovery of 1 Kg and 500 grams of heroin.
2. The prayer made herein has been vehemently opposed at the instance of learned State counsel while referring to the antecedents of petitioner who is involved in one more case of NDPS Act besides two other cases under the provision of Punjab Excise Act, 1914. Learned State counsel also points out to heavy recovery involved in the case at hand and thus submits that the petitioner does not deserve the concession of bail.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, the petitioner is already behind the bars for a period of more than 1 year and 10 months and investigation stands concluded with the filing of challan followed by framing of charges, however, no witness has been examined so far out of total of 21 as cited by the prosecution and thus, the trial is likely to take some time. As regards the other case under NDPS Act, the same relates to non-commercial quantity and the petitioner has already undergone his sentence. It has also been pointed out by learned counsel for the petitioner that the petitioner has already undergone his sentence in two other cases under the provision of Punjab Excise Act, 1914. Considering the fact that trial in the present case has not commenced and custody of petitioner is more than 1 year and 10 months, this Court does not find any justification to extend his incarceration any further as long custody in the wake of delay in trial stares at his right to speedy justice/trial emanating from Article 21 of Constitution of India.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

02.05.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No