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

CRM-M-62728-2023

Date of decision: 19.03.2024

Ramanjit Singh @ Romi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Arun Gupta, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This is a second petition has been filed by the petitioner under Section 439 of Cr.P.C for grant of regular bail in case having FIR No.113 dated 18.04.2021, under Section 21 of NDPS Act and Sections 29, 61, 85 of NDPS Act was added later on, registered at Police Station Patran, District Patiala.

2. The allegation in nutshell are that FIR in the present case was registered against the present petitioner and police apprehended the petitioner and recovered 40 grams of heroin from him. During investigation, petitioner suffered disclosure statement against co-accused Shanker Singla who was later on arrested and got effected recovery of 1 kg and 250 grams of smack. The petitioner is in custody since 18.04.2021.

3. The counsel for the petitioner submits that as per prosecution version, 40 grams of heroin was recovered from possession of the petitioner which comes under non commercial quantity and the petitioner is in custody for the last more than 2 years and 11 months and his sentence in another case under NDPS Act is suspended by this Court vide order 01.10.2018. The counsel for the petitioner further submits that it will take time for trial to conclude. So prayer is made the petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who on instructions from ASI Narender Singh submits that no doubt, recovery effected from petitioner comes under non commercial quantity, but recovery effected from co-accused Shanker Singla is covered under commercial quantity and rigors of Section 37 NDPS Act are applicable to the instant case. It is further submitted that the trial is going on and till date, prosecution has examined 5 witnesses out of total 22 witnesses.

5. I have considered the submissions made by counsel for the parties.

6. After registration of FIR, petitioner was arrested and 40 grams of heroin was recovered from his possession, which comes under non commercial quantity. There are allegations that petitioner suffered disclosure statement which resulted in arrest of co-accused Shanker Singla from whom police recovered 1.250 kg of heroin. The admissibility and relevance of any such disclosure statement will be tested during trial, as per the law laid down by Hon'ble Supreme Court in ***Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1***. Admittedly, petitioner is in custody for the last more than 2 years and 11 months and it will take time for trial to terminate. The

petitioner is not responsible for any delay in conduct of trial and thus, deserves to be released on bail in the light of Article 21 of the Constitution of India which ensures fair and expeditious trial.

7. In light of the above, without expressing on the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.03.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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