

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M No.63390 of 2023
Date of Decision: 31.01.2024

NARINDER SINGHPetitioner

Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sandeep Majithia, Advocate with
Mr. Shivdeep, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.62 dated 19.05.2021 registered under Section 21 of NDPS Act, 1985 at Police Station Sarhali, District Tarn Taran.
2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 260 grams of Heroin.
3. The prayer made on behalf of the petitioner has been opposed at the instance of learned State counsel while referring to the antecedents of the petitioner, who is allegedly involved in seven other cases of similar nature; out of which in four cases, petitioner stands convicted; in two cases acquitted and in two of cases, he is facing trial since long.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, petitioner is behind the bars for a period of almost 02 years and 03 months by now, whereas charges were framed on 02.06.2022 and even after expiry of more than 1½ years, only 02 prosecution witnesses have been examined out of total 15 witnesses cited by the prosecution. The trial is languishing for the past sometime apparently violating the right of the petitioner as that of speedy trial, specified under Article 21 of the Constitution of India.
6. As regards, other 07 FIRs, which were registered against the petitioner, it has been pointed out that in all the 07 FIRs (cases) minimal quantity was involved. Thus, considering the long custody of the petitioner besides the trial lingering on for the past more than two years, I do not see any reason to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

January 31, 2024
Atik

(HARKESH MANUJA)
JUDGE

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