

2025:PHHC:008560



227.

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

CRM-M-21929-2024

Date of decision: 21.01.2025

Satnam Singh @ Satu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranjodh Singh Sidhu, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.126, dated 03.07.2021, under Section 21(a) of NDPS Act, 1985, registered at Police Station Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioner submits that the petitioner has been in custody since 03.07.2021 in a case of false implication; the alleged recovery made from the petitioner is just marginally higher than the minimum classified as "commercial quantity" under the NDPS Act. It has been asserted by the learned counsel that in the present case, challan was presented way back on 13.12.2021, however, till date, the trial has not concluded and hence, on this ground alone, the petitioner deserves to be enlarged on bail. In support, learned counsel has placed reliance upon ***Rabi***

Prakash Versus The State of Odisha, 2023 Livelaw (SC) 533 and Dheeraj Kumar Shukla Versus State of Uttar Pradesh (SLP(Crl.) No.6690/2022), decided on 25.01.2023 wherein the Hon'ble Supreme Court on account of inordinate delay in the conclusion of trial had done away with the bar created under Section 37 of the NDPS Act and enlarged the accused therein on bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has, on instructions, not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has also not been disputed that the recovery allegedly effected from the petitioner in the present case is 253 grams of heroin. However, learned State counsel, on instructions, submits that the petitioner was nabbed on suspicion by the police leading to the aforesaid recovery from his conscious possession i.e. from the pocket of his wearing apparels.

On a pointed query put to the learned State counsel as to when the charges in the present case were framed, he, on instructions, has submitted that the charges were framed on 28.01.2022.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody for more than 3 ½ years having been arrested on 03.07.2021 in a case of chance recovery. The alleged recovery effected from the petitioner is just marginally higher than the minimum classified as “commercial quantity” under the NDPS Act. The

trial, as is evident, has been proceeding at a considerably slow pace with only 10 witnesses out of 15 cited have been examined till date. It is not the case of the prosecution that it is on account of repeated adjournments sought by the petitioner/defence that the trial has not concluded till date.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

January 21, 2025
sanjeev

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