

CRM-M-29242-2024-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(212)

CRM-M-29242-2024  
Date of decision:- 13.01.2025

Chand Singh... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Navjot Singh, Advocate  
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab  
for State-respondent.

\*\*\*\*

SUVIR SEHGAL, J. (ORAL)

1. This is the second petition filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

| FIR No. | Dated      | Police Station           | Sections           |
|---------|------------|--------------------------|--------------------|
| 148     | 05.07.2022 | Dharamkot, District Moga | 22 of the NDPS Act |

2. Case of the prosecution is that FIR, Annexure P-1, was registered when during routine patrolling, Chand Singh, present petitioner, was seen moving about in suspicious circumstances. On spotting the police team, he threw a black coloured plastic polythene bag, which he was carrying, on the edge of the road. The bag contained 21 strips (210 tablets) and on analysis, tablets were found to contain Etizolam 0.5 mg Etezola.

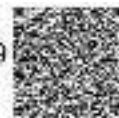
**CRM-M-29242-2024****-2-**

3. Counsel for the petitioner has contended that the petitioner is in detention since 06.07.2022 and the prosecution has not even examined half of the witnesses. He submits that although the petitioner is named as an accused in some other criminal cases, but he is not alleged to have committed any other offence under the NDPS Act. Asserting that after such a long custody and with a remote possibility of an early conclusion of the trial, petitioner deserves to be granted the concession of bail.

4. State counsel has filed short reply by way of affidavit of Deputy Superintendent of Police, Dharamkot, District Moga as well as Custody Certificate dated 12.01.2025, which are taken on record. He has opposed the petition by submitting that as the total weight of the contraband recovered from the petitioner was found to be 28.98 grams, which falls within the ambit of commercial quantity, petitioner cannot be released on bail. He has made a reference to Section 37 of the NPDS Act in support of his assertion. On the basis of the affidavit, he submits that 5 out of 11 prosecution witnesses have been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. It cannot be disputed that the petitioner has been in detention for the last more than thirty months. Trial is likely to take time as six more witnesses are yet to be examined by the prosecution. Petitioner is not accused of any other offence under the NDPS Act. The allegations levelled against the petitioner in the present criminal case would remain subject matter of debate before the Trial Court. Following the dictum of the



CRM-M-29242-2024

-3-

Supreme Court in *Dheeraj Kumar Shukla Versus State of Uttar Pradesh, 2023 SCC Online SC 918*, this Court is of the view that the petitioner deserves to be granted the concession of bail.

7. Without adverting to the merits or demerits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

13.01.2025

*Kamal*

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |