



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

214

**CRM-M No.44814 of 2023
Date of decision: 09.01.2025**

Daljeet Singh @ Jeeta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. J.S. Sandhu, Advocate
for the petitioner.

Ms. Avneet, AAG, Punjab.

NAMIT KUMAR J. (Oral)

1. Prayer in this third petition filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in FIR No.183 dated 01.12.2022, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Sadar Zira, District Ferozepur, Punjab.

2. As per the prosecution case, on 01.12.2022, INSP/SHO Gurpreet Singh, along with other members of the police party, set up a blockade on Zira-Moga Road, near the village of Jhatra. During this operation, INSP/SHO Gurpreet Singh signalled a car to stop for inspection. However, the driver of the car attempted to flee from the spot. Demonstrating quick action, INSP/SHO Gurpreet Singh, with the assistance of other police officials, managed to apprehend the driver



and after successfully stopping the vehicle and introducing himself, INSP/SHO Gurpreet Singh asked the apprehended individual to reveal his identity. Thereafter, the said individual identified himself as Daljeet Singh alias Jeta, son of Paramjit Singh (petitioner herein). Subsequently, a thorough search of the vehicle i.e. Swift Dezire bearing with registration No.PB-05AP-5112, was conducted in the presence of Sh. Palwinder Singh, DSP (SD) Zira and during the search, recovery of 500 grams of Heroin was effected from the car of the petitioner. Thereafter, the impugned FIR was registered against the petitioner.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in the present case. He further submits that the petitioner is in custody for the last 02 years, 01 month and 02 days and he is not involved in any other case. Learned counsel for the petitioner further submits that the investigation in the present case is complete, challan stands presented; charges have been framed and out of total 15 prosecution witnesses, only 02 PWs have been examined so far and the trial is likely to take considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind the bars.

4. Learned counsel for the petitioner has referred to a judgment of the Hon'ble Supreme Court passed in "**Satender Kumar Antil Vs. Central Bureau of Investigation and another**", 2022(10) SCC 51, to contend that the Hon'ble Supreme Court has discussed the serious issue with regard to repeated adjournments and its effect upon



the Right to Life under Article 21 of the Constitution of India. He has also referred to a latest judgment of the Hon'ble Supreme Court passed in ***Criminal Appeal No.943 of 2023 titled as "Mohd. Muslim @ Hussain Vs. State (NCT of Delhi)"*** decided on 28.03.2023 to contend that when there is a long delay in the trial and especially when it is not the fault of the accused and in that situation even the effect of Section 37 of the NDPS Act will be diluted in the given facts and circumstances of each and every case.

5. Per contra, learned State Counsel, has opposed the prayer for grant of regular bail to the petitioner on the ground that recovery of 500 gms of Heroin was effected from the conscious possession of the petitioner and, therefore, he does not deserve the concession of regular bail. However, he could not refute that out of total 15 prosecution witnesses, only 02 PWs have been examined till date; the petitioner is not involved in any other case; he is in custody for the last 02 years, 01 month and 02 days and the trial may take a considerable time to conclude.

6. I have heard learned counsel for the parties and perused the record.

7. In view of the custody period undergone by the petitioner, it is apposite to refer to a few judgments of Hon'ble Supreme Court in this regard wherein the Hon'ble Supreme Court has granted the concession of bail solely on ground of long custody :-

2025:PHHC:001696



Case Number	Date of Decision	Title of case	Period which the accused had undergone when granted bail by Hon'ble Supreme Court
Criminal Appeal No.245/2020	07.02.2020	Chitta Biswas @ Subhas Vs. the State of West Bengal	1 year and 7 months
Criminal Appeal No.668/2020	12.10.2020	Amit Singh Moni Vs. State of Himachal Pradesh	2 years and 7 months
Special Leave to Appeal (Crl.) No.5187 of 2021	10.11.2021	Kulwant Singh Vs. The State of Punjab	More than 2 years
Special Leave to Appeal (Crl.) No.5769/2022	01.08.2022	Nitish Adhikary @ Bapan Vs. the State of West Bengal	1 year and 7 months
Special Leave to Appeal (Crl.) No.4173 of 2022	04.08.2022	Shariful Islam @ Sarif Vs. the State of West Bengal	1 year and 6 months
Criminal Appeal No.1169 of 2022	05.08.2022	Gopal Krishna Patra @ Gopalrusma Vs. Union of India	2 years 1 month and 17 days
Special Leave to Appeal (Crl.) No.5530-2022	22.08.2022	Mohammad Salman Hanif Shaikh Vs. the State of Gurjarat	About 2 years
Special Leave to Appeal (Crl.) No.7840 of 2022	31.10.2022	Shahjad Vs. The State of Uttar Pradesh	About 2 years

8. Without commenting anything on merits of the case and considering the fact that the petitioner is not involved in any other case; he is in custody for the last 02 years, 01 month and 02 days; investigation is complete; challan stands presented; charges have been framed and out of 15 PWs, only 02 PWs have been examined so far and the trial is likely to take considerable time to conclude, the present petition is allowed and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the



satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, in addition to conditions that may be imposed by the trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vi) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*

9. In case of breach of any of the aforesaid conditions and those which may be imposed by the trial Court, the prosecution shall be at liberty to move an application for cancellation of bail of the petitioner.

(NAMIT KUMAR)
JUDGE

09.01.2025

yakub

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No