



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

224

CRM-M-50284-2024

Date of decision: 18.02.2025

Sukhwinder Singh @ Sukhjinder Singh @ Lakhu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arvindpal Singh Grover, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.141 dated 28.05.2021 under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned senior counsel for the petitioner submits that although it is a case of false implication, however, he would restrict his submissions only on the long custody period of the petitioner as the trial has come to a virtual standstill after the charges were framed on 05.09.2023. Learned senior counsel has submitted that it is a matter of record that only one prosecution witness out of the 10 cited, has been examined in the present case and the trial has not progressed further for



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reasons attributable to the prosecution and prosecution only. It has been argued that in the present case all the prosecution witnesses are police officials who, for reasons best known to them, have been continuously absenting themselves before the learned Trial Court. Learned senior counsel, in support, has placed reliance upon ***Rabi Prakash Vs. The State of Odisha : 2023 LiveLaw (SC) 533*** and ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** wherein on account of the prolonged trial, Hon'ble the Supreme Court had done away with the bar under Section 37 of the NDPS Act and extended the concession of bail to the accused therein.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Gurmej Singh, has not disputed the stage of trial nor has it been disputed, on instructions, that although previously the petitioner was arrested on 28.05.2021 and thereafter was released on interim bail and thereafter he surrendered back on 05.09.2023 after the FSL report had been received. However, learned State counsel has reiterated the allegations levelled in the FIR in question (Annexure P-1) that a huge recovery of 1200 tablets of Alprazolam was made from the polythene bag which was lying on the ground next to the petitioner. Learned State counsel, however, submits that the next date fixed before the learned Trial Court is 05.03.2025 when prosecution would ensure that some of the remaining witnesses are positively examined. In addition, learned State counsel submits that the petitioner has previously been booked in a case under the NDPS Act wherein he was convicted also, however, it



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has not been disputed that the petitioner had served out his sentence in the said case prior to the registration of the present FIR.

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

5. The petitioner has been languishing in custody since 05.09.2023; although charges were framed on 05.09.2023 itself, however, the trial has not concluded on account of reasons attributable to the prosecution. Therefore, it is evident that the petitioner's right to a speedy and fair trial has been compromised. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. 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.

7. 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.

18.02.2025

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**(MANJARI NEHRU KAUL)
JUDGE**

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