

2025:PHHC:012804



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

CRM-M-50218-2024 (O&M)

Date of decision: 28.01.2025

Samanjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sahil Sharma, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-3197-2025

Application is allowed, as prayed for.

Additional documents vide Annexures P-5 to P-9 are taken on
record subject to all just exceptions.

CRM-M-50218-2024

The instant petition has been filed under Section 483 of BNSS,
for grant of regular bail to the petitioner in case FIR No.198, dated
11.10.2022, under Sections 22, 29, 27A-61-85 of NDPS Act, registered at
Police Station Phase-1, District SAS Nagar.

Learned counsel for the petitioner submits that the petitioner
has been languishing in custody since 11.10.2022 in a case of false
implication; the petitioner has no previous criminal antecedents which

further points to his innocence in the present case. It has been contended that the petitioner was allegedly nabbed on suspicion by the police party and thereafter, a recovery of 500 intoxicant injections (250 injections of Bupine-2 ML and 250 injections of Avil-10 ml) made from the petitioner. Learned counsel has further argued that after the charges were framed on 05.06.2023, only 05 prosecution witnesses out of 14 cited have been examined so far; for the last 07 months, only 01 prosecution witness has been examined. Learned counsel has also drawn the attention of this Court to the zimni orders, which have been annexed as Annexures P-6 to P-9, to assert that the delay in the conclusion of trial has been on account of irregular appearances of the prosecution witnesses, who, in the present case, are all police officials. Learned counsel further submits that in the facts and circumstances as enumerated hereinabove, the petitioner deserves to be enlarged on bail as he has in no manner contributed to the trial getting delayed.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner has been in custody since 11.10.2022 and till date, only 05 prosecution witnesses out of 14 cited have been examined. Learned State counsel has also not been able to dispute the contents of the zimni orders which have been annexed with the petition. However, it has been submitted by the learned State counsel that the recovery effected from the petitioner has been classified as 'commercial' under the NDPS Act.

On a pointed query, learned State counsel, on instructions, has however, not disputed that the petitioner has clean antecedents and has never been involved in any other criminal case, much less under the NDPS Act.

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

The petitioner has been in custody since 11.10.2022 and the possibility of the trial concluding in the near future looks remote as 09 prosecution witnesses still remain to be examined. The challan in the present case was presented on 07.04.2023 and charges were thereafter framed on 05.06.2023.

In ***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***, 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.

In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to allow the instant petition by dispensing with the conditions of Section 37 of the NDPS Act.

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 28, 2025
sanjeev

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