



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

**CRM-M-51760-2024
Date of Decision: 23.01.2025**

MANPREET SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lupin Gupta, Advocate,
Mr. Rahul, Advocate,
Mr. Hardeep Gandhui, Advocate and
Mr. Simranjot Singh, Advocate for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. The petitioner is seeking concession of regular bail under Section 483 of B.N.S.S. 2023 in FIR No.06 dated 07.01.2023 under Sections 22-C, 25 of NDPS Act (Section 27 of NDPS Act added later on), registered at Police Station STF Wing, Bathinda.

2. Learned counsel for the petitioner submits that the petitioner was allegedly apprehended on suspicion by the police on 07.01.2023, and thereafter, recovery of 60 bottles of cough syrup along with some intoxicant tablets was shown to have been effected from the petitioner. It has been further submitted by the learned counsel that although the petitioner has been falsely implicated in the present case, however, even otherwise the petitioner deserves to be extended the concession of bail on account of his long incarceration since the trial has not been concluded till date on account of the irregular appearances of prosecution witnesses, who in the present case are all police officials. It has been further argued by the learned counsel that challan was presented almost two years back on 17.05.2023, followed by framing of



charges on 15.07.2023, and as on date only 03 prosecution witnesses out of the 20, cited had been examined. While placing on record the copies of zimni orders of the learned Trial Court in the Court today, it has been further contended by the learned counsel that a perusal of the zimni orders also reveals that the trial has been delayed on account of reasons not attributable to the petitioner but to the prosecution. Learned counsel, therefore, prays that the petitioner be enlarged on bail as it amounts to his constitutional right to a speedy trial being compromised. Learned counsel has submitted that in identical circumstances, Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh [SLP(Crl.) No.6690/2022]*** had extended the concession of bail to the accused therein by dispensing with the conditions of Section 37 of the NDPS Act.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has it been disputed that only 03 prosecution witnesses out of 20 cited, have been examined after the charges were framed way back on 15.07.2023. He further submits that out of 20 prosecution witnesses cited, 04 have given up with 13 witnesses remaining to be examined; next date before the trial Court in 05.02.2025 when some of the summoned witnesses are likely to be examined. It has also been asserted by learned counsel for the State that the recovery effected from the petitioner has been classified as commercial under the Act.

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

5. The petitioner has been in custody since 07.01.2023. It is a



matter of record that the prosecution witnesses, who in the present case, are police officials have been irregular in their appearances before the Trial Court. 13 prosecution witnesses still remain to be examined. The petitioner is not stated to be involved in any other case under the NDPS Act and in the present case also he was nabbed on the basis of suspicion. Hon'ble the Supreme Court in ***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh (SLP(Crl.) No.6690/2022)*** decided on 25.01.2023 has observed as under:-s

“.... It is true that the quantity recovered from the petitioner is commercial in nature and the provisions of Section 37 of the Act may ordinarily be attracted. However, in the absence of criminal antecedents and the fact that the petitioner is in custody for the last two and a half years, we are satisfied that the conditions of Section 37 of the Act can be dispensed with at this stage, more so when the trial is yet to commence though the charges have been framed.”

6. 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.

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 same.

(MANJARI NEHRU KAUL)
JUDGE

23.01.2025

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