



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52753-2024
Date of decision: 10.02.2025

Gurbaj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Arun Sheemar, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. This petition has been filed under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No. 13 dated 08.05.2023, under Section 15 of NDPS Act, registered at police Station Nangal Bhoor, District Pathankot.
2. As per prosecution story, police received secret information and apprehended one Verna Car No. PB-11-BR-9443 driven by Satinder Singh and truck No.PB-12-M-7631 driven by the present petitioner. On search of the aforesaid car, police recovered 5 kg of dried crushed poppy seeds and on search of the aforesaid truck, 202 kg of dried crushed poppy seeds were recovered. All the occupants of both the vehicles including the present petitioner were arrested at the spot.
3. The counsel appearing on behalf of the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case and is behind bars for last about 1 year and 9 months and is having no criminal antecedents. It will take time for the trial to conclude, as till date no prosecution witness is examined. So, prayer is made that the petitioner be released on regular bail, pending trial. In support of his contentions, the

counsel for the petitioner has referred to order passed by the Hon’ble Supreme Court in Special Leave to Appeal (Crl.) No.8557/2024 titled ***Sabat Mehtab Khan Vs. State of Maharashtra***, dated 03.09.2024 wherein recovery of commercial quantity of heroin was recovered from the petitioner therein and he was granted regular bail on the ground that he had already undergone about 1 year and 6 months of custody and was having no criminal antecedents.

4. The present petition is resisted by the State counsel who submits that commercial quantity of contraband was recovered from the truck driven by the present petitioner on 08.05.023 and the said recovery comes under commercial quantity and thus, is covered by rigors of Section 37 NDPS Act. However, the State counsel has not disputed the fact that petitioner is in custody for the last about 1 year and 9 months and is having no criminal antecedents and that till date, no witness is examined out of 11 witnesses on behalf of the prosecution.

5. Admittedly, the petitioner is incarcerated for the last 1 year and 9 months and is not involved in any other criminal case and it will take time for the trial to terminate. The delay in trial is not attributed to the present petitioner in any manner. Thus, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and rigors of Section 37 NDPS Act can be diluted bearing in mind the right to speedy trial.

6. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.02.2025
Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No