



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

228

CRM-M-57047-2024

Date of decision: 04.03.2025

Gurpiar Singh alias Gaggi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.155 dated 18.08.2022 under Sections 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kotbhai, District Sri Muktsar Sahib.

2. Learned counsel for the petitioner submits that in a case of chance recovery, the petitioner has been languishing in custody since 18.08.2022 and till date not even a single prosecution witness out of the 19 cited, has been examined even though charges were framed almost 02 years back on 29.03.2023. Learned counsel has submitted that it is a matter of record that the trial has not progressed beyond the framing of charges on account of the repeated non-appearance of the prosecution witnesses, who in the present case are all police officials. Learned



CRM-M-57047-2024

counsel submits that in the aforementioned facts and circumstances, moreso when it is a case of false implication, the petitioner deserves to be extended the concession of bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Sukhwinder Singh, has neither disputed the custody period of the petitioner nor has he disputed the stage of trial. However, it has been asserted by the learned State counsel that a recovery of 1800 tablets of Tramadol weighing 355 grams along with 93 grams of Alprazolam was effected from the petitioner; the weight of the Tramadol tablets has been classified as 'commercial' under the NDPS Act, hence, the petitioner does not deserve the concession of bail. It has also been submitted that the petitioner has previously been involved in another case under the NDPS Act, however, concededly the petitioner is on bail in the said case.

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

5. The petitioner has been in custody for more than two and a half years having been arrested on 18.08.2022. Challan in the present case was presented on 13.02.2023, followed by framing of charges on 29.03.2023. However, as not disputed by the learned State counsel none of the 19 prosecution witnesses, who in the present case are all police officials, have been examined and that too on account of their repeated non-appearance before the learned Trial Court, leaves no manner of doubt that the constitutional right of the petitioner to a fair and speedy

**CRM-M-57047-2024**

trial has been compromised. No doubt, the recovery effected in the present case has been classified as 'commercial', however, in view of the inordinate delay in the conclusion of the trial and that too for reasons not attributable to the petitioner, this Court deems it fit to extend the concession of bail to him.

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.

04.03.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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