



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

CRM-M-58019-2024

Date of decision: 03.03.2025

Sunny @ Sukhan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Namish Sodhi, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.62 dated 03.05.2022, under Section 22, 61 of NDPS Act, Police Station Rajasansi, District Amritsar.

2. As per prosecution version, police recovered 2460 intoxicants tablets from possession of the present petitioner on 03.05.2022. The petitioner was arrested at the spot.

3. The counsel for the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case. That the petitioner is in custody for the last more than 1 year and 10 months and is having no criminal history and that it will take time for the trial to conclude. 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 effected 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 medical intoxicants were recovered from possession of the petitioner and the said recovery is covered under rigors of Section 37 NDPS Act. However, the State counsel has not disputed the fact that the total custody of petitioner in the present case comes out to be more than 1 year and 10 months and that it will take for the trial to conclude as till date prosecution is able to examine only 2 witness out of 9 witnesses on behalf of the prosecution.

5. Admittedly, the petitioner is behind bars for the last 1 year and 10 months and is having no criminal history and it will take time for the trial to terminate. The delay in trial is not at all attributed to the present petitioner. Thus, further incarceration of the petitioner would be violative of his right to fair and speedy trial enshrined under Article 21 of the Constitution of India and rigors of Section 37 NDPS Act can be diluted keeping in mind the right to speedy trial.

6. In the given circumstances, no fruitful 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.

03.03.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**