



**CRM-M-61680 of 2024 (O&M)**      **1**

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

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**CRM-M-61680 of 2024 (O&M)  
DATE OF DECISION :- 22.05.2025**

**Dalip Singh @ Deepa**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

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

**Present:-** Ms. Riffi Birla, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 483 BNSS in case FIR No.83 dated 28.06.2023 under Sections 22(c)/29 of NDP Act registered at Police Station Khuian Sarwar, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner has no previous criminal antecedents and was apprehended by the police on suspicion. It has been argued by the learned counsel that it is a case of false implication. Further more, learned counsel has submitted that after the petitioner was arrested challan was presented on 12.10.2023 followed by framing of charges on 27.05.2024, however, it is matter of record that the trial has come to a virtual stand still after the charges have been framed as

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not even the single prosecution witness out of the 14 has been examined till date. Learned counsel has submitted that under the circumstances, the petitioner cannot be made to languish in custody more so when a perusal of the zimni orders which has been placed on record by learned counsel for the petitioner today reveals initially for many days the petitioner and the co-accused were not produced by the jail before the trial Court and subsequently one of the co-accused had absented and finally after the co-accused Narpat Singh surrendered back, the prosecution witnesses had been continuously absenting themselves before the trial Court. Learned counsel submits that in the circumstances the petitioner deserves the concession of bail. In support learned counsel has placed reliance upon the judgment of Hon'ble the Supreme Court in '***Dheeraj Kumar Shukla Vs. State of Uttar Pradesh***' (SLP(Crl.) No.6690/2022) decided on 25.01.2023 wherein the Hon'ble Supreme Court held as under:-

*“.... 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.”*

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has neither disputed the custody period of the petitioner nor has he, on instructions from ASI Bhupinder Singh disputed that none of the 14 prosecution witnesses have been examined till date; the contents of the zimni orders which have been

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placed on record by the counsel for the petitioner have also not been disputed on instructions. However, it has been asserted that huge recovery of 14600 tablets of Tramadol and Alprazolam were effected from the petitioner and the co-accused which has been classified as commercial under the NDPS Act. On being pointedly asked, learned State counsel on instructions was unable to dispute that the petitioner has no previous antecedents. Learned State counsel has also placed on record the custody certificate of the petitioner wherein also it stands reflected that he has clean antecedents.

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

5.            The petitioner has been in custody for almost 02 years having been arrested on 28.06.2023. The trial has come to a virtual stand still after the charges were framed on 27.05.2024. The sluggish pace of the trial is not in any manner attributable to the petitioner. The Hon'ble Supreme Court in identical circumstances granted the concession of bail in the case of ***Dheeraj Kumar Shukla*** (supra) to an accused after doing away with the bar created under Section 37 of the NDPS Act only on the ground of delay in the trial.

6.            In the aforementioned circumstances, 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.



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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.

8.            All pending applications (if any) shall also stand disposed of.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**22.05.2025**  
*P.Singh*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |