



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

CRM-M-18089-2024
Date of decision: 31.01.2025

Bawa Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ruhani Chadha, 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 439 of Cr.P.C. seeking grant of regular bail to the petitioner in case having FIR No.67 dated 13.04.2023 (Annexure P-1), under Section 18 of NDPS Act, registered at Police Station City Jagraon, District Ludhiana.

2. The allegations in nutshell are that police received secret information and thereafter, recovered 2 kg 750 grams of opium from the present petitioner on 13.04.2023. The petitioner was 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. 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.9510/2024 titled ***Ram Lal Vs. The State of Rajasthan***, dated 17.09.2024 wherein recovery of commercial quantity of smack 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 petitioner was arrested along with 2 kg 750 grams of opium on 13.04.2023 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 trial is going on and prosecution has examined 4 witnesses out of 13 witnesses, till date.

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 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.

31.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

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

**Yes/No
Yes/No**