

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

2025:PHHC:027565



(107+218)

CRM-M-34838-2024(O&M)

Date of Decision: 25.02.2025

Gurdit Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

\*\*\*

**MANJARI NEHRU KAUL.J (Oral)**

CRM-6301-2025

Application is allowed as prayed for.

Annexure P-5(colly) is taken on record.

Main Case

The petitioner is seeking the concession of regular bail, filed under Section 439 of Cr.P.C., in case FIR No.140, dated 07.08.2023, under Section 21 of NDPS Act, registered at Police Station, Lopoke, District Amritsar Rural.

On the previous date of hearing, learned counsel for the petitioner had contended that after the petitioner was arrested on 07.08.2023 on suspicion and a recovery of 283 grams of heroin allegedly effected from the trouser pocket of the petitioner, the trial had come to a virtual standstill as none of the 14 prosecution witnesses have been examined after the charges were framed on 18.03.2024. A prayer has therefore been made that

it amounted to compromising with the constitutional right of the petitioner to speedy and fair trial.

*Per contra*, learned State counsel, on the previous date of hearing, had opposed the prayer made by the counsel opposite for extending the concession of bail to the petitioner on account of the huge recovery of heroin made from the conscious possession of the petitioner. It had also been argued by the learned State counsel that the petitioner was a man of previous antecedents as he was facing trial in two other criminal cases including cases under the NDPS Act and hence he did not deserve the concession of bail.

Learned counsel for the petitioner had sought an adjournment on the last date of hearing to place on record the zimni orders of the Trial Court to support his contentions that the trial had been prolonged on account of the repeated absence of the prosecution witnesses, who in the present case are all official witnesses. Learned counsel for the petitioner has by way of CRM-6301-2025 placed on record all the zimni orders right from the date when the challan was presented. Learned counsel for the petitioner while drawing the attention of this Court to the zimni orders has asserted that the perusal of all these orders clearly reveals that the trial has been prolonged for reasons not attributable to the petitioner; either on some dates the petitioner was not produced by the jail authorities and on the remaining dates when the petitioner was produced in the court by the jail authorities the prosecution witnesses had absented themselves, as a result of which the evidence of the prosecution witnesses could not be recorded. Learned counsel while placing reliance on ***Dheeraj Kumar Shukla Versus State of Uttar Pradesh (SLP(Crl.) No.6690/2022), decided on 25.01.2023***

and *Rabi Prakash Versus The State of Odisha, 2023 Livelaw (SC) 533*, has submitted that in almost identical circumstances, the Hon'ble Supreme Court had done away with the bar created under Section 37 of the NDPS Act and extended the concession of bail to the accused therein on account of their long incarceration and the trial being delayed for reasons not attributable to the accused. Counsel has submitted that since the petitioner is also identically placed and has been languishing in custody for no fault of his, he deserves to be extended the concession of bail.

Learned State counsel, on instructions, has not disputed the contents of the zimni orders, which have been placed on record by way of CRM-6301-2025.

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

It needs to be emphasized that every accused is entitled to a fair and speedy trial. In the present case, this constitutional right of the petitioner has evidently been compromised on account of failure of the prosecution witnesses testifying before the Trial Court. The petitioner has been in custody since 07.08.2023. Since none of the 14 prosecution witnesses has been examined so far, the possibility of the trial concluding in the near future just does not arise.

In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to grant to the petitioner the concession of bail.

Accordingly, 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.

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.

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

**25.02.2025**

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No