
(2011) 04 P&H CK 0223

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-27096 of 2010

Rashpal Singh @
Daula

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: April 18, 2011

Acts Referred:

- Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) - Section 21

Citation: (2011) 7 RCR(Criminal) 2408

Hon'ble Judges: S.S. Saron, J

Bench: Single Bench

Final Decision: Allowed

Judgement

S.S. Saron, J.

Heard counsel for the parties.

2. The Petitioner seeks regular bail in a case registered against him on 17.10.2009 for the offence u/s 21 of the NDPS Act.

3. The FIR in the case has been registered on the statement of SI Kamaljit Singh, Incharge Special Staff, Tarn Taran. According to Kamaljit Singh SI, he along with other police officials were in a official "Bolero" vehicle and were carrying out searches of bad elements in the area from Jhabhal to Gagobuha, Sur Singh etc. When the Police party had reached the Bus Stand at Gagobuha at 12.05 p.m. on 17.10.2009, a special informer gave information to Kamaljit Singh, SI that Rashpal Singh @ Daula (Petitioner) as also Harjit Singh @ Hira and Ranjit Singh @ Sonu together indulge in smuggling of "heroin". They supplied "heroin" to their permanent customers in the area. On that day i.e. 17.10.2009, the three persons were on a "Discover" motorcycle which was blue-black in colour and they had a packet of "heorin" with them and would go to Sur Singh for selling the same to some customer. In case a check-post (naka) is laid on the roundabout within

the area of Bhuchar Kalan then they could be apprehended along with the packet. The information was found reliable and offence u/s 21 of the NDPS Act was made out. Ashwani Kumar, Deputy Superintendent of Police, Sub-Division, Tarn Taran was apprised of the entire information that had been received and was requested to reach at the roundabout within the area of Buchar Kalan. A memo (ruqa) for registration of FIR was sent. At the roundabout, a check-post (naka) had been set up and two persons namely Harjit Singh @ Hira and Ranjit Singh @ Sonu were arrested. From the search of Harjit Singh @ Hira, 80 gms of "heroin" was recovered and from the search of Ranjit Singh @ Sonu, 60 gms of "heroin" was recovered. Rashpal Singh @ Daula (Petitioner), it is alleged, escaped from the place by throwing a polythene envelop which contained 860 gms of opium. The Petitioner was later arrested on 27.11.2009 and since then he is in custody. The co-accused of the Petitioner namely Harjit Singh @ Hira and Ranjit Singh @ Sonu have been released on bail vide order dated 17.12.2009 passed by the learned Special Judge, Tarn Taran. The bail application of the Petitioner was, however, dismissed by the learned Special Judge, Tarn Taran vide order dated 28.12.2009 (Annexure P1). The Petitioner is in custody since 27.11.2009 and no prosecution witness has been examined till date. The charge against the Petitioner was framed on 10.3.2011.

4. Learned State counsel on instructions has submitted that there is no other case pending against the Petitioner.

5. In the circumstances, it may be noticed that the trial in the case has been considerably delayed inasmuch as for a period of more than one year, the trial has not at all proceeded with and only charges were framed against the Petitioner on 10.3.2011. Therefore, the right of the Petitioner to speedy trial of the case has been infringed and wherever there is an infringement of right of an accused of speedy trial, the Court is obliged to pass appropriate remedial orders to plug the breach.

6. Keeping in view the facts and circumstances of the case i.e. the fact that the Petitioner was not apprehended at the spot, the trial in the case has not progressed since 27.11.2009, the prosecution has cited 12 witnesses and their examination is likely to take time; it would be just and expedient to admit the Petitioner on bail.

7. Accordingly, the CrI. Misc. petition is allowed and the Petitioner on his furnishing personal bond and surety to the satisfaction of the learned Special Judge, Tarn Taran shall be admitted to bail.