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

CRM-M-18205-2023
DECIDED ON: 03.11.2023

JAGJIT SINGH ALIAS JAGGI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh Tushar, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.110, dated 19.11.2021, under Section 22-C/61/85 of the NDPS Act, 1985 (Section 29 added later on), registered at Police Station Badali Ala Singh, District Fatehgarh Sahib, Punjab.

2. Mr. Rajesh Tushar, Advocate has put in appearance on behalf of the petitioner and has filed Power of Attorney, who contends that the petitioner has been falsely implicated in the present case as the petitioner was picked from his house by co-accused Rachhpal Singh, who is the driver of alleged vehicle, from which the contraband was recovered. He further submits that the petitioner claims parity with the co-accused Rachhpal Singh, who has already been granted the concession of regular bail vide order dated 05.01.2023 passed by Co-ordinate Bench of this Court in CRM-M-25621-2022.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that he has

suffered incarceration for a period of 1 year, 11 months and 12 days. He does not dispute the aforesaid fact with regard to grant of regular bail to the co-accused Rachhpal Singh and prays for dismissal of the present petition urging that the petitioner is involved in two more cases.

4. Considering the fact that the co-accused of the petitioner, namely Rachhpal Singh has already been granted the concession of regular bail vide order dated 05.01.2023, passed by Co-ordinate Bench of this Court in CRM-M-25621-2022; the petitioner has already suffered incarceration for a period of 01 year, 11 months and 12 days added with the fact that the conclusion of trial would take a long time, which curtails the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India and is against the principle “bail is rule and jail is an exception”. It is the basic principle of criminal jurisprudence that until or unless guilt is proved, nobody can be punished.

5. In view of the above, no fruitful purpose would be served by keeping the petitioner behind the bars, therefore, the petitioner is directed to be released on regular bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. In the afore-said terms, the present petition is hereby allowed.

(SANDEEP MOUDGIL)
JUDGE

03.11.2023

Poonam Negi

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>