

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20066-2023
DECIDED ON: 28th APRIL, 2023

MANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. PS Sekhon, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. This is the second petition filed under Section 439 Cr.P.C., for the grant of regular bail to the petitioner in FIR No. 234, dated 14.09.2021, under Sections 22(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Guhla, District Kaithal.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated with the recovery of alleged 1700 tablets of Tramadol Hydrochloride 100 mg SR Radol-100 who has already suffered incarceration for a period of 1 year 7 months and 8 days. Learned counsel for the petitioner has categorically stated that the petitioner is not involved in any other case of any nature whatsoever. The assertion is that the petitioner is having various responsibilities being the only son of his parents and having 4 daughters out of which one namely Manpreet Kaur

went missing who has completed education qualification upto 12th. The FIR under Section 363, 366-A IPC has already been registered in that regard at police station Samana, District Patiala.

3. Learned counsel has further put reliance on the judgment rendered by the Apex Court in SLP-6690-2022 titled as **Dheeraj Kumar Shukla versus The State of Uttar Pradesh** decided on 25.01.2023 wherein the following observation has been made in para 3 of the said order:-

“It appears that some of the occupants of the 'Honda City' car including Praveen Maurya @ Puneet Maurya have since been released on regular bail. 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.”

4. Learned State counsel has produced the custody certificate, which clarifies the assertion raised by the petitioner with regard to the custody period i.e. 1 year 7 months and 13 days and also the fact that the petitioner did not have any criminal antecedents except the instant FIR. The factum of registration of FIR No.269 dated 26.11.2022 with regard to the missing daughter namely Manpreet Kaur of the petitioner who has not been traced still today, has not been disputed by the counsel for the State.

5. All such facts clearly indicate that the petitioner is not a habitual offender and has responsibilities to look after his family along with ailed mother who is presently looking after her grand children (children of the petitioner). The another aspect which is to be borne in mind by this Court before parting the order is that the trial is at the initial stage, wherein

out of 13 witnesses only 4 have been examined so far, meaning thereby the conclusion of trial shall take long time and, therefore, the petitioner cannot be allowed to remain inside the bar.

6. This Court has already held that a right under Article 21 of the Constitution of India includes right to speedy trial and expeditious disposal.

7. In view of aforesaid discussion the petitioner is ordered to be released on regular bail on his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. The present petition stands allowed in the afore-said terms.

10. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

28th APRIL, 2023
yogesh

(SANDEEP MOUDGIL)
JUDGE

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