

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22581-2023
DECIDED ON: 11th MAY, 2023

AMI CHANDPETITIONER
VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Ananya Ahluwalia, Advocate for
Mr. V.B. Godara, Advocate, for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 132. dated 11.09.2021, under Section 18 and 29 of NDPS Act, 1985, registered at Police Station Badhni Kalan, District Moga.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner has been nominated as an accused on the basis of disclosure statement of Sanjay, who was arrested at the spot while driving the motorcycle along-with another co-accused namely Sandeep from whom 2 kgs 600 grams of opium was recovered.

3. On the other hand, learned State counsel has produced the custody certificate, which is taken on record. According to which, the petitioner has suffered incarceration for a period of 11 months and 4 days, which further depicts that he is not involved in any other case of any nature whatsoever. He opposes the prayer made in the present petition stating that

both the co-accused have named the petitioner attributing with the role that they have purchased the contraband from the petitioner, who is dealing at a very large scale in sale and purchase of the alleged contraband.

4. Having heard learned counsel for the parties.

5. Considering the facts that nothing incriminating material has been putforth by the prosecution; no recovery has been effected from the petitioner, who is behind the bars for the last 11 months and 4 days; having clean antecedents and probability of false implication cannot be rule out, as he has been nominated as an accused on the basis of disclosure statement of his co-accused; out of 13 witnesses only one has been examined so far, which shows that the conclusion of trial will take sufficient long time, which would tantamount to violation of Article 21 of the Constitution of India, which includes right to speedy trial and expeditious disposal, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind bars.

6. The petitioner is directed to be released on regular bail on furnishing personal and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

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

11th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

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