

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26138-2023
DECIDED ON: 21.12.2023

NAGINDER KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manish Kumar Singla, Advocate with
Mrs. Shikha Singla and Mr. Parminder Singla, Advocates
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., seeking regular bail to the petitioner in FIR No.32, dated 27.04.2022, under Section 22 of NDPS Act, 1985, registered at Police Station Ghall Khurad, District Ferozepur.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and no recovery has been effected from his conscious possession. The case set up by the counsel for the petitioner for the grant of regular bail is that the petitioner has already suffered a reasonable period of custody i.e., 1 year and 8 months, wherein only two prosecution witnesses have been examined out of total 12. He further submits that the petitioner is having clean antecedents as he is not involved in any other case whatsoever.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Accordingly to the custody certificate, the petitioner is

behind the bars for the last 1 year and 7 months and 28 days and he is not involved in any other case of any nature.

4. Be that as it may, the contraband recovered in the present case is non-commercial in nature; custody suffered by the petitioner is 1 year and 8 months, wherein out of total 12 prosecution witnesses only 2 have been examined after framing of charges on 10.03.2023 and the petitioner is a person of clean antecedents, as he is not involved in any other case, no useful purpose would be served by keeping him behind bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

5. In light of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6. The present petition is hereby allowed.

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

(SANDEEP MOUDGIL)
JUDGE

21.12.2023

Meenu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No