

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

**CRM-M-27536-2023
DECIDED ON: 02.06.2023**

RAKESH KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Jaspreet Kaur Sandhu, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. This is a petition seeking regular bail in FIR No.34, dated 30.04.2019, under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station STF, Phase-4, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has undergone considerable period i.e., 4 years, 1 months and 1 day.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 4 years, 1 month and 1 day, who is involved in two other cases out of which in one case, he has been acquitted and in another, he is not on bail. He opposes the prayer made in the present petition stating that the recovery of contraband i.e., 290 gram of heroin has been effected from the petitioner, which is commercial in nature, therefore,

petitioner does not deserves the concession of regular bail at this stage.

4. Considering the custody period undergone by the petitioner i.e., 4 years, 1 month and 1 day added with the fact that challan stands presented after completion of investigation, wherein trial is at the stage of prosecution, which will take considerable time to conclude, no useful purpose would be served keeping the petitioner behind the bars for an indefinite period, wherein bail is a rule and jail is an exception and it 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 realising 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 above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

6. The present petition is, hereby, allowed.

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

(SANDEEP MOUDGIL)
JUDGE

02.06.2023

Sham

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