

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28358-2023
DECIDED ON: 16.10.2023

RAKESH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rakesh Kumar Lathwal, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. AG. Haryana.

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.131, dated 10.03.2022, under Section 20 of NDPS Act, 1985, registered at Police Station Sampla, District Rohtak (Haryana).
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no recovery has been effected from him. He further contends that the alleged car bearing No.BR-31AF-2584 from which the recovery has been effected also does not belong to the petitioner. It is further contended on behalf of the petitioner that he was arrested on 10.03.2022 and out of total 24 prosecution witnesses only 3 have been examined after framing of charges on 23.08.2022.
3. Learned State counsel submits that petitioner is involved in two other cases meaning thereby he is a habitual offender, thus, does not deserve the concession of regular bail at this stage. Though, he does not controvert the fact that after framing of charges on 23.08.2022 out of total 24 prosecution witnesses only 3 have been

4. Be that as it may, considering the fact that the petitioner has suffered incarceration of 1 year, 7 months, from which no contraband whatsoever admittedly has been recovered and trial is moving at the snail's pace as out of total 24 prosecution witnesses only 3 have been examined after framing of charges on 23.08.2022 so far, which curtails the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the 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. As far as the pendency of other cases is concerned as has been stated by learned State counsel, no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

6. In view of the aforesaid 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.

7. The present petition is hereby allowed.

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.

(SANDEEP MOUDGIL)
JUDGE

16.10.2023

Meenu

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