

CRM-M-29140-2023

2023:PHHC:081711

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29140-2023

Date of decision : 07.06.2023

SARAVJEET SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Gagandeep Singh Chinna, AAG, Haryana.

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.58, dated 25.03.2023, under Section 22-B of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Tohana, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and compliance of Section 50 of the NDPS has not been made. He contends that the alleged recovery from the petitioner is of 20 tablets of Buprenorphine, which is a non-commercial quantity. He submits that the petitioner is in custody since 25.03.2023 and is not required for further interrogation as investigation in this case is complete and challan stands presented before the trial Court, where 12 prosecution witnesses have been cited, out of which none has been examined till date.

He, therefore, prays for grant of regular bail to the petitioner.

3. Learned counsel for the State, on the other hand, has produced the custody certificate, which is taken on record, who contends for dismissal of the present petition on the basis that the petitioner is convicted in one case under the NDPS Act and under-trial in two such cases. He, however, could not dispute the fact that he has been granted the concession of bail/suspension of sentence in those cases.

4. Be that as it may, considering the recovery effected in this case and the facts that the investigation is complete, challan stands presented before the trial Court, where out of total 12 prosecution witnesses, none has been examined till date, conclusion of trial shall take sufficient long time and therefore, further detention of the petitioner would not be justified, 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 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 and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that 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

CRM-M-29140-2023

2023:PHHC:081711

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 above, the petitioner is directed to be released on regular bail on his 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.

(SANDEEP MOUDGIL)
JUDGE

07.06.2023

Harish

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No