

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33401-2023
DECIDED ON: 19.07.2023

RAJWINDER SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Inderjeet Sharma, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, 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 case FIR No. 0055, dated 11.04.2021, under Section 22(C) of NDPS Act, 1985 registered at Police Station Kotwali Bathinda, District Bathinda.
2. Learned counsel for the petitioner has contended that though the alleged contraband i.e. 250 strips containing 10 tablets of Tramadol Hydrochloride each strip, were recovered from the possession of the petitioner, but it is a case of false implication and alleged recovery has been planted upon the petitioner. He has drawn attention of this Court to an order dated 24.05.2023 passed by this Court in CRM-M-4697-2023, whereby co-accused of the petitioner has been granted the concession of regular bail.
3. Custody certificate filed by learned State counsel is taken on record. According to which the petitioner has suffered incarceration for a period of 2 years 3 months and 5 days as of now. A perusal of certificate further reveals that the petitioner is involved 5 other cases.

4. Considering the fact that the trial is moving at snail's pace as since the date of framing of charges i.e. 11.08.2021 only 12 prosecution witnesses have been examined out of total 22 prosecution witnesses, which shows that the conclusion of trial shall take sufficient long time.

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 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.

5. The present petition is allowed in view of afore-said terms.

6. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

19.07.2023

Meenu

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