

203

Neutral Citation No. 2023:PHHC: 099746

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

CRM-M-36611-2023

DECIDED ON: 3rd AUGUST, 2023

ABDUL KHAN

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Parminder Singh Sekhon, Advocate and
Mr. Kaushal Chahal, 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 grant of regular bail to the petitioner in case FIR No. 7, dated 21.01.2023, under Sections 15 and 29 of NDPS Act, 1985, registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. Learned counsel for the petitioner asserts that it is a case of false implication wherein, recovery of 54 Kgs of poppy husk is alleged to have been made from the truck, which was being driven by the petitioner. The quantity of contraband is marginally higher than the commercial quantity and purposely has been shown to that extent just to bring the case within the ambit of commercial quantity so that the concession of bail

could be denied.

3. On the other hand, learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He opposes the prayer made in the present petition stating that the petitioner is not only the driver of the truck but also the owner of the said truck. Though, he does not dispute the factum with regard to the quantity of contraband i.e. 54 Kgs Poppy husk.

4. The petitioner has suffered incarceration for a period of 6 months and 11 days and is not involved in any other case of any nature meaning thereby, he carries clean antecedents and is not habitual offender by any stretch of imagination. All the said facts are sufficient to consider the case of the petitioner for the grant of regular bail.

5. Considering the afore-said facts and circumstances and the period so far undergone by the petitioner added with the facts that nothing is to be recovered from the petitioner as the offending vehicle is already in police custody; charges have been framed on 18.07.2023 wherein, conclusion of trial will take sufficient long time, this Court is of the considered view that the petitioner could not be kept in custody any further, as it would 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.***

6. In view of above, the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of

learned trial Court.

7. The present petition stands allowed in view of 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

3rd AUGUST, 2023
sham

- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No