

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51508-2022
DECIDED ON: 17.07.2023

KASHMIR SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 of Cr.P.C., seeking regular bail in FIR No.200, dated 18.11.2021, Sections 21-C, 25 and 29 NDPS Act, 1985, registered at Police Station STF, SAS Nagar, Mohali.
2. Learned counsel for the petitioner contends that the petitioner was implicated on the basis of secret information received by SI Vinod Sharma and he was only driving the Aactiva Scooter.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Custody certificate shows that the petitioner is behind the bars for the last 1 year, 7 months and 26 days as on 16.07.2023, who is not involved in any other case, which shows that he is not a habitual offender.
4. Considering the fact that the petitioner was only driving the vehicle in which the contraband has been recovered and the custody period undergone by the petitioner i.e., 1 year, 7 months and 26 days added with the fact that out of total 12 witnesses, only 1 has been examined so far, which shows that trial is likely to take

sufficient time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, 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 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. In light of the 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.
6. The present petition is, hereby, allowed.
7. 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.

17.07.2023

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No