

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42291-2023
DECIDED ON: 01.09.2023

BHUPINDER SINGH ALIAS BILLU

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Brijender Kaushik, Advocate and
Mr. Vaibhav Vats, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, 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 in FIR No.0018, dated 24.01.2022, under Sections 15 (c) 29 of NDPS Act, 1985, registered at Police Station Rajaund, District Kaithal, Haryana.
2. Learned counsel for the petitioner vehemently contends that its a case of false implication, wherein the alleged recovery of 65 Kgs of *poppy husk* has been planted upon the petitioner, which is marginally over and above the commercial quantity of 50 Kgs. He further contends that out of total 14 prosecution witnesses only one has been examined so far, after framing of charges on 03.08.2022, 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)*

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition on the ground that the petitioner is involved in one another case i.e. FIR No.34/2019, under Sections 143, 341 of IPC, registered at Police Station Parwanoo, Solan, Himachal Pradesh, meaning thereby, he is not having clean antecedents.
4. Be that as it may, this Court crystallizes the fact that the petitioner is allegedly found to be in possession of 65 Kgs of poppy husk, which is marginally over and above the commercial quantity of 50 kgs. As far as the pendency of another case is concerned, which is stated to have been pending in the State of Himachal Pradesh, however, this court does not have any territorial jurisdiction and it is for that Government to consider and examine the allegations levelled in those FIRs, which are neither part of the present case nor have been produced by either of the parties.
5. Looking into the totality of facts and the discussions made hereinabove, this Court is of the firm view that no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been discussed hereinabove.
6. In light of the above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.
7. The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

01.09.2023

Meenu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No