

2023:PHHC:117630

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

**204**

**CRM-M-43351-2023**

**Date of Decision:-06.09.2023**

**RAMANDEEP SINGH ALIAS RAMNA**

**...Petitioner**

**Versus**

**STATE OF PUNJAB**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Dr. Rau P.S. Girwar, Advocate  
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

\*\*\*\*

**SANDEEP MOUDGIL, J. (Oral)**

1. This third petition invoking the jurisdiction of this Court under Section 439 Cr.P.C. has been moved with a prayer for grant of regular bail to the petitioner in FIR No.244 dated 03.10.2021 registered under Section 22 of the NDPS Act at Police Station Sadar Patiala, District Patiala.

2. Learned counsel for the petitioner contends that 2 kg of Codeine Phosphate i.e. 33 leaf of Carisoprodol Tablet LP(Carisoma) consisting 10 tablets in each leaf total 330 tablets with expiry April, 2024 and 20 vials of Wincirex Cough syrup with expiry of July, 2021 has been alleged to be recovered on 03.10.2021, when the petitioner was travelling in a bus, as per the prosecution version.

3. Learned counsel for the petitioner asserts that it is totally a case of false implantation of alleged recovery, as the petitioner was not travelling in the bus at all, at the alleged time of recovery, as recorded in the FIR. In support of the alleged recovery, there is neither any statement of any passenger nor driver or conductor of the bus, who are the government

officials.

4. Learned State counsel has produced custody certificate, which is taken on record. Copy of the same has been furnished to the learned counsel for the petitioner.

5. Learned State counsel contends that the recovery is double of the non-commercial quantity and in such eventuality, there is hardly any space for the prosecution to make false implantation of the alleged recovery against the petitioner. In the light of the added fact, the petitioner has failed to put forth any malice against the police officials of the raiding party, which conducted the raid. On the question of presence of the petitioner, as to whether he was travelling in bus or not, learned State counsel submits that it is a matter of evidence to be led in the trial Court at the appropriate time and controverted the contention of learned counsel for the petitioner by stating it to be totally false against the investigation report, having sufficient incriminating material as has been recorded in the report under Section 173 Cr.P.C.

6. Having heard learned counsel for the parties, this Court is of the considered view that as far as the instant petition for grant of regular bail is concerned, the contention of the petitioner qua the absence of statements of driver and conductor of the bus, who are government officials, raises doubt on the story of the prosecution especially, when the presence of the petitioner is disputed in the bus by him and going to the extent by stating that why the CCTV footage has not been collected from the toll plaza.

7. Perusal of the custody certificate also depicts that the petitioner is not involved in any such case, except one FIR No.177 dated 10.12.2016 registered under Section 61-1-14 of the Excise Act at Police Station

Dayalpura, in which he is on production warrant before the Court and therefore it shows that petitioner has clean antecedents.

8. Learned counsel for the petitioner further submits that charges stand framed on 21.03.2022 and out of total 11 witnesses, only 4 witnesses have been examined so far, which shows that the trial Court will take certainly some time for conclusion, as still quite an exhaustive trial proceedings are pending before the trial Court.

9. 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 violate the principle of right to speedy trial and expeditious disposal under Article 21 of the 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*.

10. In the 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 the trial Court/Duty Magistrate, concerned.

11. The present petition is, hereby, allowed.

12. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

06.09.2023  
P.Bhatt

(SANDEEP MOUDGIL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |