

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-453-2024
DECIDED ON: 03.04.2024

NIRBHAI SINGH @ SONI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the 4th time under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.37, dated 25.03.2021, under Section 22 of NDPS Act, 1985, registered at Police Station Bassi Pathana, District Fatehgarh Sahib, Punjab (Annexure P-1).
2. Learned counsel for the petitioner submits that 17 injections of Buprenorphine has been recovered from the possession of the petitioner and 13 injections of Buprenorphine has been recovered from the possession of co-accused namely Gurpreet Singh @ Bunty, who has been granted the concession of regular bail vide order dated 16.09.2021 passed in CRM-M-30088-2021 by a co-ordinate Bench of this Court.
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 stating that

the petitioner is involved in one another case, therefore, does not deserve the concession of regular bail.

4. Be that as it may, considering the custody period suffered by the petitioner i.e., 3 years and 6 days and in the other case, he is on bail as is evident from the custody certificate and co-accused namely Gurpreet Singh @ Bunty has already been granted the concession of regular bail added with the fact that conclusion of trial shall take sufficient time, as after framing of charges on 22.07.2021, only 3 prosecution witnesses have been examined so far out of total 12 prosecution witnesses, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, which would amount to infringement of his right to life and liberty, as enshrined 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. As far as the contention of learned State counsel with regard to pendency of 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, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

6. In the light of the above 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.

7. The present petition, is hereby allowed.

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.

03.04.2024

(SANDEEP MOUDGIL)
JUDGE

Meenu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No