

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-736-2024
DECIDED ON: 03.04.2024

RAM LAKHAN @ LAKHANPETITIONER
VERSUS
STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amandeep Singh, Advocate for the petitioner.
Mr. Baljinder Singh Virk, Sr. DAG Haryana.

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 FIR No.426, dated 14.08.2022 under Section 20 and 27-A of Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station Narnaund, District Hisar, Haryana.
2. Learned counsel for the petitioner submits that the petitioner was initially not named in the FIR and subsequently nominated on the basis of disclosure statement suffered by co-accused namely Krishan Kumar, who has been granted the concession of regular bail by this Court vide order dated 18.01.2024 passed in CRM-M-48724-2023 by 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 fact that main accused has already been granted the concession of bail on whose statement, the petitioner was nominated and the petitioner has suffered incarceration of 1 year, 5 months and 7

days, as is evident from the custody certificate added with the fact that conclusion of trial shall take sufficient time as out of total 28 prosecution witnesses, none has been examined so far after framing of charges on 03.10.2023, 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.

(SANDEEP MOUDGIL)
JUDGE

03.04.2024

Meenu	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No