



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

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**CRM-M No.1087 of 2024
Date of decision : 10.7.2024**

Rohit**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. R.K. Lathwal, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.238, dated 27.5.2022, under Section 20 of the NDPS Act, 1985 (Charges framed under Sections 20 (c), 29 of the NDPS Act), registered at Police Station Sampla, District Rohtak.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the recovery of alleged contraband has been fabricated. The petitioner has nothing to do with the alleged commissioning of crime. He has never indulged in any such activity and not involved in any other case.

3. Notice of motion.

4. Mr. B.S. Virk, Senior DAG, Haryana, accepts notice on behalf of the respondent/State and has produced the custody certificate, which is taken on record. He would contend that the accused/petitioner was apprehended on secret information from the spot. Recovery of 285 Kg. of



ganja was recovered from the vehicle used by the petitioner and his co-accused. However, he could not controvert the fact that the petitioner is not involved in any other case and this is for the first time he is involved in alleged commissioning of offence.

5. Be that as it may, a perusal of the custody certificate reveals that the petitioner has incarcerated about 2 years 1 month and 9 days by now, who is not involved in any other case which is depicting that the petitioner is not a habitual offender. Charges in the case were framed on 6.1.2023 and out of 30 witnesses only one has been examined so far, meaning thereby the trial will certainly take long time and on that account the petitioner cannot be detained behind bars for indefinite period which tentamounts to violation of 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 the 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.***

6. A Division Bench of this High Court in ***Rajender Singh vs. State of Haryana, 2022(2) R.C.R. (Criminal) 85,*** has held that a right under Article 21 of the Constitution of India includes right to speedy trial and expeditious disposal which is also in public interest primarily showing concern on a following view point-

(a) the period of remand and pre-conviction detention should be as short as possible. In other words, the accused should not be subjected to unnecessary or unduly long incarceration prior to his conviction;

(b) the worry, anxiety, expense and disturbance to his vocation and peace, resulting from an unduly prolonged investigation, inquiry or trial should be minimal; and



(c) undue delay may well result in impairment of the ability of the accused to defend himself, whether on account of death, disappearance or non-availability of witnesses or otherwise.

7. In the light of the aforesaid facts and circumstances, the petitioner is, therefore, directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. The present petition is, hereby, allowed.

9. 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

10.7.2024

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No