

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5024-2024
DECIDED ON: 07.02.2024

GURPREET SINGH @ GOPI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arshadeep Singh Brar, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.51, dated 07.05.2022, under Sections 22-B of NDPS Act, 1985, registered at Police Station Badhni Kalan, District Moga.
2. This is the 3rd petition for regular bail, as the earlier petition bearing No. CRM-M-44840-2023 was dismissed as withdrawn vide order dated 14.09.2023 on account of the fact that trial is at the same stage i.e., only one prosecution witness in part has been examined so far out of total 10.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record.
4. Perusal of the custody certificate shows that the petitioner has suffered incarceration of 1 year, 9 months and 2 days, whereas the 2nd bail petition was withdrawn on 14.09.2023. This Court is also sanguine of the fact that on earlier

occasion vide order dated 20.02.2023, the regular bail petition bearing No. CRM-M-38094-2022 was dismissed on merits, but since then the trial is at the same stage, therefore, the petitioner cannot be kept in custody for an indefinite 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 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. In view 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.
6. The present petition is, hereby, allowed.
7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

07.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No