

2024:PHHC:068448



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

**CRM-M-2734-2024 (O&M)
DATE OF DECISION: 15.05.2024**

JASVIR SINGH @ JASAA ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.A.S. Sekhon, Advocate for the petitioner(s).
 Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-17168-2024

This application has been filed for placing on record the copies of orders dated 22.02.2024 and dated 26.02.2024 as Annexures P-7 to P-8.

For the reasons recorded in the application, the same is allowed and copies of orders dated 22.02.2024 and dated 26.02.2024 as Annexures P-7 to P-8 are taken on record.

Main case

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.44, dated 11.06.2021, under Sections 22(c)/61/85 of NDPS Act, 1985, registered at Police Station Sadiq, District Faridkot, (later on offence under Sections 29/61/85 of NDPS Act vide DDR No. 34 dated 11.06.2021 at Police Station Sadiq, District Faridkot were added).



2. Learned counsel for the petitioner contends that the alleged recovery made from the petitioner is 1910 intoxicating tablets carried in a carry bag. The petitioner was driving the motorcycle and the said carry bag was held by co-accused-Gurmeet Singh who has already been granted concession of regular bail by this Court vide order dated 22.02.2024 passed in CRM-M-8429-2024. The petitioner is not involved in any other case.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. As per the custody certificate the petitioner is behind the bars for last 1 year 8 months and 21 days.

4. Be that as it may, considering the custody period suffered by the petitioner i.e., 1 year, 8 months and 21 days and he is not involved in any other case with the fact that the co-accused has already been granted concession of bail added with the fact that conclusion of trial shall take sufficient time, as charges were framed on 06.09.2022 and only 6 prosecution witnesses have been examined out of total 21 till 22.02.2024, no useful purpose would be served by keeping the petitioner behind bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is a rule and jail is an exception" as elucidated in the judgement of Apex Court in "***Dataram Singh vs. State of Uttar Pradesh and another***;; (2018) 3 SCC 22".

5. In 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.

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.

(SANDEEP MOUDGIL)
JUDGE

15.05.2024
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>