

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3447-2024
DECIDED ON: 29.01.2024

SATPAL RAM ALAIS SATPAL SINGH ALAIS WADDI
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG 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.73, dated 04.09.2023, under Section 22 NDPS Act, 1985, registered at Police Station Balianwali, District Bathinda, Punjab.
2. Learned counsel for the petitioner contends that as per the prosecution story, the alleged recovery effected from the petitioner is of 90 tablets of tramadol, which is non-commercial in nature that too not from the conscious possession of the petitioner, but were collected from a spot adjoining to which the present petitioner was standing alongwith his another friend. On the strength of aforesaid facts as narrated in the FIR, he urges the case to be a false implication.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 4 months and 25 days. He prays for dismissal of the

present petition on the ground that the petitioner is a habitual offender, as he is involved in other case bearing FIR No.17 dated 02.03.2023, under Section 21 of NDPS Act, registered at Police Station Balianwali.

4. Be that as it may, considering the fact that recovery is admittedly of non-commercial in nature, which was not from the conscious possession of the petitioner, but was from scattered strips found lying near the place, where the petitioner alongwith another friend was standing added with the fact that in the other FIR, the petitioner is on bail, no fruitful purpose would be served be keeping the petitioner behind the bars, wherein after framing of charges, 12 witnesses are to be examined, which will certainly take long time and it would violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India.

5. 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.

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

29.01.2024

Meenu

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