

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9031-2024
DECIDED ON: 26.02.2024

GURPREET SINGH ALIAS GOPI
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, 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.44, dated 11.06.2021, under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Sadiq, District Faridkot.
2. Learned counsel for the petitioner submits that the petitioner was nominated as an accused on the basis of disclosure statement of co-accused namely Gurmeet Singh from whom the recovery of 1910 tablets of *tramadol* was effected. He has placed reliance upon an order dated 22.02.2024 passed in CRM-M-8429-2024, whereby co-accused Gurmeet Singh has been granted the concession of regular bail by this Court.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record.
4. Be that as it may, considering the fact that no recovery has been effected from the possession of the petitioner, wherein petitioner has suffered

incarceration for a period of 1 year, 8 months and 9 days and is not involved in any other case, meaning thereby, he is a person of clean antecedents and the co-accused Gurmeet Singh has already been granted the concession of regular bail added with the fact that conclusion of trial shall take sufficient time, as out of total 21 prosecution witnesses, only 6 have been examined so far after framing of charges on 06.09.2022, no useful purpose would be served by keeping the petitioner behind bars for an uncertain period, 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 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 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

26.02.2024

Meenu

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