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2024:PHHC:013298

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3551-2024 (O&M)
DECIDED ON: 31st JANUARY, 2024

JATINDER SINGH @ MOTTO

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ranjit Singh Sidhu, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-3604-2024

Prayer in the application is to place on record the amended
memo of parties with correct details of the applicant/petitioner.

Application is allowed, as prayed for.

Proposed amended memo of parties is taken on record.

CRM-M-3551-2024

1. The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973, has been invoked 3rd time by the petitioner for the grant of regular bail in case FIR No. 19, dated 10.02.2022, under Sections 15C NDPS Act, 1985 and Section 473 IPC added later on, registered at Police Station Sadar Patiala, District Patiala.

2. Learned counsel for the petitioner contends that the story put

forth by the prosecution is highly improbable, as in the present case a secret information was received at around 9.40 PM and no communication of the secret information received was sent to the superior officer within 72 hours and there is no reason as to why warrants/authorization could not be obtained prior to setting up of a naka after sunset. Another aspect pointed out by the counsel for the petitioner is that in the present case the car collided with one tipper coming from Balberda side, as has been narrated in the FIR and neither the registration number of the truck has been mentioned nor the statement of the driver of the said truck has been recorded by the investigating agency so far. Investigation in the present case is complete wherein, charges stands framed on 07.02.2023. It is contended on behalf of the petitioner that he is the only accused in the present case and 144 kgs of poppy husk is alleged to be recovered from the vehicle, which was being driven by him and he was intercepted by the police at the naka but he fled away from the spot, who was subsequently arrested on 21.04.2022.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which the petitioner has suffered incarceration for a period of 1 year 09 months and 10 days, as of now. He prays for dismissal of the present petition stating that the petitioner is a habitual offender and is involved in various other cases of similar nature. He, on instructions from HC Gagandeep Singh, has informed this Court that charges stands framed on 07.02.2023 wherein, out of total 15 prosecution witnesses only 3 have been examined so far.

4. Be that as it may, this Court would not prefer to go into the examination of allegations to be true or to raise any doubt on the prosecution story, as far as the petition for regular bail of the petitioner is concerned at

this stage.

5. Considering the afore-said facts and circumstances, added with the fact charges on 07.02.2023 wherein, out of total 15 prosecution witnesses only 3 have been examined so far meaning thereby, the trial is moving at snail's pace and will take considerable time to conclude, which would also curtail the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India, this Court is of the considered view that the petitioner cannot be detained for an indefinite period.

6. As far as pendency of other case is concerned, this Court in various judgments has already observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and is not material for the instant FIR.

7. In view of the aforesaid 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.

8. The present petition is allowed in the afore-said terms.

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.

31st JANUARY, 2024

(SANDEEP MOUDGIL)
JUDGE

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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*