

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7023-2024
DECIDED ON: 15.02.2024

DHARAMBIR SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ankur Jain, 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.139, dated 28.09.2021, under Section 22 of NDPS Act, 1985, registered at Police Station Sadar Patti, District Tarn Taran.
2. Learned counsel for the petitioner submits that the petitioner was arrested on 28.09.2021 and he was released on interim bail vide order dated 17.11.2021 passed by the Special Court, as chemical report was not received, but after the FSL report, the concession of interim bail granted to the petitioner was withdrawn and he was taken into custody on 18.06.2022, and as such he is behind bars for the last 1 year and 8 months, wherein trial is moving at snail's pace.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record.

4. On a query put by this Court, learned State counsel submits that challan stands presented on 18.06.2022, charges framed on 16.07.2022 and out of total 9 prosecution witnesses, none has been examined so far.

5. Be that as it may, considering the fact that the recovery was effected from a black colour polythene bag, though no direct incriminating material is available with the prosecution to connect him with the said contraband and he is behind bars for the last 1 year, 8 months and 1 days, wherein after framing of charges on 16.07.2022, no prosecution witness has been examined so far out of total 9, which is sufficient to infer this Court that conclusion of trial shall take sufficient time added with the fact that petitioner is a person of clean antecedents, as he is not involved in any other case, no useful purpose would be served by keeping him behind bars for an indefinite period, which would curtail his right to life and liberty as enshrined under Article 21 of the Constitution of India.

6. 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.

7. The present petition is hereby allowed.

8. 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

15.02.2024

Meenu

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