

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5333-2023
DECIDED ON: 05.02.2024

GURPREET SINGH ALIAS BABBU
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.P.S. Khaira, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG 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.85, dated 19.09.2021, under Section 22C of NDPS Act, 1985, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.
2. Learned counsel for the petitioner contends that there is violation of Section 42 of NDPS Act, as is evident from Annexure P-6, examination of Investigating Officer namely retired SI Sadhu Khan, who submitted that neither he prepared memo under Section 42 of NDPS Act regarding information of contraband and accused nor send the same to any superior officer apart from that the petitioner is in custody since 24.09.2021, wherein out of total 15 prosecution witnesses, only 5 have been examined.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. Accordingly to the custody certificate, the petitioner has faced incarceration of 2 years, 4 months and 12 days.

4. Be that as it may, considering the fact that the petitioner has faced incarceration of 2 years, 4 months and 12 days, who is not involved in any other case, as is evident from the custody certificate, meaning thereby he is not a habitual offender added with the fact that trial will certainly take long time, as out of total 15 prosecution witnesses, only 5 have been examined so far, no useful purpose would be served by keeping the petitioner behind the bars, which would also curtail his right to life and liberty, as enshrined under Article 21 of the Constitution of India.

5. In view 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

05.02.2024

Meenu

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