

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5893-2024
DECIDED ON: 14.02.2024

MANGU SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. S.S. Gill, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the third time under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.277, dated 11.12.2022, under Sections 21 and 29 of NDPS Act, 1985, registered at Police Station Sadar Ferozepur, District Ferozepur.
2. Learned counsel for the petitioner contends that the petitioner is innocent and is falsely implicated in the present FIR as he is unaware of the allegations leveled in the instant FIR, which are actually against co-accused Rajpal Singh, with whom he was accompanying when the police party apprehended co-accused Rajpal Singh. He further asserts that co-accused Rajpal Singh in his disclosure statement named Anmol, from whom he had purchased the contraband, as has been recovered from his possession but

nothing has come on record to directly associate the petitioner with the commissioning of the offence involved in the instant FIR.

3. Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration for a period of 01 year, 02 months and 01 day and is not involved in any other case, meaning thereby he is man of clean antecedents.

4. Had it been true as argued by the State counsel that he is operating a gang with the other co-accused persons, the petitioner might have been involved in other cases of NDPS as well. Further going to the extent of believing it to be true, *prima facie* it is the first case against the petitioner, who has suffered incarceration for a period of 01 year, 02 months and 01 day added with the fact that challan stands presented on 09.06.2023 and out of total 16 prosecution witnesses, only one witness has been examined so far, meaning thereby the conclusion of the trial will take certainly long time.

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts 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*".

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. In the afore-said terms, the present petition is hereby allowed.
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.

14.02.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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