

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6009-2024
DECIDED ON: 09.02.2024

GURMEET SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lalit Mohan Barara, 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.177, dated 18.09.2022, under Section 15 of NDPS Act, 1985, registered at Police Station City Rupnagar, District Rupnagar.
2. Learned counsel for the petitioner submits that this is the 2nd petition seeking regular bail, as the earlier petition bearing No.CRM-M-56399-2023 was dismissed as withdrawn vide order dated 16.09.2023 on the account of the fact that the trial is moving at a snail's pace and the petitioner has suffered incarceration of 1 year, 4 months and 20 days. He has placed reliance upon an order dated 05.02.2024 passed in CRM-M-57102-2023, whereby the co-accused namely Manpreet 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. He prays for dismissal of the present petition on the ground that the petitioner is involved in one another case bearing FIR No.58 dated 12.05.2020, under Section 61-1-14 of Excise Act, registered at Police Station Machiwara.

4. Be that as it may, considering the fact that the petitioner has suffered incarceration of 1 year, 4 months and 20 days and co-accused of the petitioner has been granted the concession of regular added with the fact that trial is moving at a snail's pace, as out of total 15 prosecution witnesses, only 4 have been examined so far after framing of charges on 15.03.2023, no useful purpose would be served by keeping the petitioner behind the 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".

5. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as "***Baljinder Singh alias Rock vs. State of Punjab***" decided on 02.03.2023, wherein, this Court 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 not material in instant FIR against the accused-petitioner to hold him guilty.

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

09.02.2024

Meenu

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