

2024:PHHC:021526
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7326-2024
DECIDED ON: 15.02.2024

AMRITPAL SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dhruvwinder Brar, 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.32, dated 18.04.2022, under Section 22 of NDPS Act, 1985, registered at Police Station Sadar Phagwara, District Kapurthala (Annexure P-1).
2. Learned counsel for the petitioner submits that the recovery of 900 narcotic pills have been planted upon the petitioner, as he was not riding the motorcycle, which was intercepted and on account of such interception, the contraband is said to be recovered by the prosecution. He further submits that the petitioner is behind the bars for the last 1 year, 9 months and 7 days.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present on the ground that the petitioner is involved in two other cases out of which in one FIR No.31 dated 28.02.2020, registered under Section 22 of NDPS Act at Police Station Goraya, he is on bail and in another FIR No.08 dated 18.01.2018, under Sections 379 and 411 of IPC registered at Police Station E Division, he has already completed the sentence.
4. Heard, learned counsel for the respective parties.

5. Be that as it may, considering the fact that the alleged recovery was effected from a transparent polythene bag, which is highly improbable, as the petitioner was not even riding the said motorcycle and in the other case, he is on bail added with the fact that conclusion of trial shall take sufficient time, as charges are yet to be framed after presentation of challan on 14.10.2022, no useful purpose would be served by keeping the petitioner behind bars for an indefinite 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.

15.02.2024

Meenu

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

(SANDEEP MOUDGIL)
JUDGE