

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8429-2024
DECIDED ON: 22.02.2024

GURMEET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Param Preet Singh 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.44, dated 11.06.2021, under Section 22(c) of NDPS Act, 1985, registered at Police Station Sadiq, District Faridkot.
2. Learned counsel for the petitioner submits that the petitioner has been nominated as an accused merely on the basis of suspicion as the recovery was effected from a polythene envelope, which was being carried by the petitioner without knowing as to what are the contents in that carry bag, as the same was asked to be held during ride on a motorcycle by the co-accused only.
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 urging that the recovery is from the conscious possession of the petitioner, as he was holding the polythene bag from which the intoxicant tablets have been recovered and is

actively involved in the commissioning of offence. He further submits that the petitioner is involved in two other cases, therefore, does not deserve the concession of bail.

4. Heard, learned counsel for the respective parties.
5. Be that as it may, considering the custody period suffered by the petitioner i.e., 1 year, 10 months and 26 days and in two other cases, he stands acquitted by the trial Court and, therefore, cannot be hold to be an habitual offender added with the fact that conclusion of trial shall take sufficient time, as charges were framed on 06.09.2022 and only 6 prosecution witnesses have been examined so far out of total 21, no useful purpose would be served by keeping the petitioner behind bars, 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*”.
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.

22.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No