

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-8238-2024 (O&M)
DECIDED ON: 22.02.2024

HARJASPREET SINGH ALIAS JASSA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yashpal Thakur, 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.79, dated 14.07.2022, under Sections 22C and 29 of NDPS Act, 1985, registered at Police Station Badali Ala Singh, Punjab (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, who has no background of any such criminal antecedents so far. The alleged recovery i.e., 175 injections of *Buprenorphine* and 175 vials of *Avil* were recovered out of which the Avils does not fall under the definition of psychotropic substance mentioned in NDPS Act. It is further asserted on the part of the petitioner that he has been informing the police party about the involvement of co-accused Ashish Verma in drug peddling, but indeed has been nominated as an accused without having any recovery effected from his possession specifically.
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 stating that the alleged contraband is commercial in nature and considering the fact that the

petitioner was involved in drug peddling alongwith other co-accused persons namely Sukhwinder Singh and Ashish Verma, he is equally an offender and 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, 6 months and 19 days, who is not involved in other case of NDPS except one FIR No.124 dated 11.11.2021, under Sections 379-B, 34 of IPC and Section 201 of IPC, registered at Police Station Chamkaur Sahib in which he stands acquitted by the trial Court vide judgment dated 04.02.2023 added with the fact that conclusion of trial shall take sufficient time, as charges were framed on 05.04.2023 and out of total 34 prosecution witnesses, none has been examined so far, no useful purpose would be served by keeping the petitioner behind bars for 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*”.
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