

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-8670-2024
Date of Decision.:29.05.2024

Jogender @ Soni @ JoginderPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Manu Sachdeva, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.58 dated 05.03.2022 under Sections 20, 27-A of NDPS Act registered at Police Station Sadar Dadri, District Charkhi Dadri.

2. As per allegations, on the basis of secret information petitioner was apprehended on 05.03.2022 and 2.46 Kg of charas was recovered from him, which falls in the commercial category.
3. Learned counsel contends that petitioner has been falsely implicated; that he is in custody for the last more than 02 years and 02 months; and that trial is likely to take long time to conclude and so, he be allowed bail.



4. Learned State counsel has opposed the bail petition by pointing out towards the fact that recovered quantity is more than double the threshold from which commercial starts. Attention is also drawn towards criminal antecedents of the petitioner, who is involved in 03 more cases pertaining to NDPS Act.

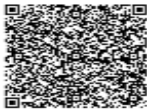
5. Heard.

6. As per the custody certificate, petitioner is in custody for the last 02 years 02 months and 20 days. Of course, he is involved in three more cases, all pertaining to NDPS Act, as per the custody certificate placed on record.

7. At the same time, learned State counsel informs that out of 20 witnesses cited by the prosecution, 08 witnesses have been examined so far and thus trial is likely to take long time to conclude. The recovered quantity is more than double the threshold from which commercial starts.

8. Having regard to the above facts and circumstances, particularly the long incarceration of petitioner in custody and the fact that trial may take long time to conclude, but without commenting anything further on the merits of the case, this Court is of the view that rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

9. As such, this petition is allowed and petitioner is admitted to



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bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

May 29, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No