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2024:PHHC:025989

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9087-2024 (O&M)
DECIDED ON:26.02.2024

SAHIL @ SHAILI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Ajay Kripal Singh, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

CRM-7875-2024

Prayer in the present application is for exemption from filing the certified/true typed/more legible copies of Annexures P-1 to P-5 and copy of Aadhar Card of the petitioner.

Application is allowed, as prayed for.

CRM-M-9087-2024

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 19, dated 09.02.2023, under Section 22(c) and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 201 of the Indian Penal Code, 1860, registered at Police Station Uchana, District Jind (Haryana).

2. It has been contended on behalf of the petitioner that he was not even name in the FIR and has been nominated on the basis of disclosure statement suffered by the co-accused namely Naveen @ Billa, who has already been granted the concession of regular bail by this Court vide order dated 20.01.2024 passed in CRM-M-32013-2023. It is further contended that the recovery of 462 grams of Alprazolam and 1600 grams of Tramadol has been effected from the co-accused namely Ashok Kumar and Amit Kumar and nothing has been recovered from the possession of the petitioner.

3. On the other hand learned State counsel has produced the custody certificate of the petitioner, which is taken on record. Though, he could not controvert the fact that no recovery has been effected from the possession of the petitioner, who has been nominated on the basis of disclosure statement of Naveen @ Billa, who has already been granted the concession of regular bail by this Court vide order dated 20.01.2024 (Annexure P-3).

4. Considering the afore-said facts and circumstances and also the fact that the petitioner has suffered incarceration for a period of 10 months and 28 days as of now added with the fact that charges stands framed on 22.11.2023 and out of total 23 prosecution witnesses none has been examined so far, meaning thereby, the trial is moving at snail's pace, which would curtail the right of the petitioner for speedy trial and expeditious disposal, as envisaged under Article 21 of the Constitution of India and is against the principle of criminal jurisprudence that "bail is rule and jail is an exception", this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner behind the bars for an indefinite period.

5. In view of the discussions made hereinabove, the petitioner is directed to be released of regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
6. In the afore-said terms, the present petition is, hereby, allowed.
7. However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

26.02.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>