

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9694-2023
DECIDED ON: 09.02.2024

AVTAR SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dinesh, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG 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.216, dated 04.09.2022, under Section 22-C of NDPS Act, 1985, registered at Police Station Mandi Gobindgarh, District Fatehgarh (Annexure P-1).
2. Learned counsel for the petitioner submits that no recovery was effected from the house of the petitioner and he has no concern with the recovered contraband. He further submits that when the police officials could not arrest the main culprit namely Mandeep Singh, then on 06.09.2022, they arrested the present petitioner, who by no stretch of imagination is known to the main accused namely Mandeep Singh. He has placed on record certain documents with regard to his own identity such as Aadhar Card, Voter Card, Matriculation Certificate.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He submits that during the checking of a private bus company travel point Sri Satguru bearing No.HR-AB-0015, which was coming from Ambala side in which one Sikh gentleman who was sitting in sleeper No.1 was

having two bags and on suspicion he told his name Mandeep Singh s/o Baldev Singh and told that one bag is lying in the dicky of the bus upon which checking was carried out and thereafter the said Mandeep Singh ran away from the spot.

4. Heard, learned counsel for respective parties.
5. Keeping in view the fact that the petitioner is behind bars since 06.09.2022 and that he is not named in the FIR and as such no recovery of contraband was effected from the the possession or house of the petitioner, who is not involved in any other case, as is evident from the custody certificate meaning thereby he is a person of clean antecedents added with the fact that conclusion of trial shall take sufficient time, as after framing of charges on 04.05.2023, none has been examined so far out of total 19 prosecution witnesses, which is sufficient to infer this Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, which would curtail his right to life and liberty, as enshrined under Article 21 of the Constitution of India.
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.

09.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No