

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11653-2024
DECIDED ON: 05.04.2024

JIWAN SINGH ALIAS JIMMA
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Paramjit Singh Brar, Advocate
for the petitioner.

Mr. P.S. Bhandari, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in FIR No.178, dated 02.08.2022, under Sections 22(C) of NDPS Act, 1985 Police Station Dharamkot, Moga.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and the alleged recovery of 120 tablets containing Etizolam salt has been planted upon the petitioner. The petitioner is in custody since 04.08.2022. He has drawn attention of this Court to an order dated 18.01.2024 passed in CRM-M-1658-2024 by this Court, vide which co-accused namely Baljinder Singh @ Kala has already been granted the concession of bail.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He opposed the prayer made in the present petition stating that the recovery effected from the petitioner falls under the commercial quantity.

4. Considering the custody period undergone by the petitioner i.e., 1 year, 08 months and 4 days added with the fact that after framing of charges on 27.02.2023 out of total 12 prosecution witnesses, none has been examined so far, which is sufficient for this Court to infer that the trial is moving at snail's pace, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period, which would also curtail the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India as has been time and again discussed by this Court, while relying upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

5. In view of the aforesaid 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.

6. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.04.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No