

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

216 CRM-M-11458-2024

DATE OF DECISION: 11.03.2024

MAJOR SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rahul Vijay Singh Chugh, Advocate
for the petitioner(s).

Mr.J.S. 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.94, dated 05.08.2022, under Sections 22, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Boha, District Mansa (Annexure P-1).

2. Learned counsel for the petitioner submits that the alleged recovery has been planted upon the petitioner. As per the allegations, the petitioner was allegedly found in possession of 1020 tablets of Alprasafe 0.5 having Batch No. PCCAA878, though is marginally over and above the commercial quantity He further submits the petitioner is in custody since 05.08.2022, wherein trial is moving at snail's pace. He also submits that the petitioner is not involved in any other case.

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.

4. Heard, learned counsel for respective parties.

5. Be that as it may, considering the fact that the alleged contraband is marginally over and above the commercial quantity and the petitioner has suffered incarceration of 1 year, 7 months and 6 days, wherein charges were framed on 13.01.2023 and the trial is moving at snail's pace, which is sufficient to infer this Court that conclusion of trial shall take sufficient time, no useful purpose would be served by keeping the petitioner behind bars for an indefinite 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.

(SANDEEP MOUDGIL)
JUDGE

11.03.2024
anuradha

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