



214

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

CRM-M-11287-2024

DATE OF DECISION: 23.05.2024

**LOVEPREET SINGH @ LABHA @ LAVI
...PETITIONER**

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. N.S. Lucky, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

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 FIR No. 03, dated 17.01.2023, under Section 22 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 added later on) registered at Police Station Tallewal, District Barnala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case and he has been nominated on the basis of disclosure statement and arrested on 25.01.2023. It is thereafter on the basis of disclosure statement that recovery of 300 tablets of CLOVIDOL-100 SR has been effected and as per FSL Report, it contains Tramadol Hydrochloride which is non-commercial in nature. He further drew attention of the Court that similarly situated co-



CRM-M-11287-2024

-2-

accused namely Avenpreet Singh @ Baby who was arrested from the spot has been granted concession of regular bail by this Court vide order dated 01.05.2024 passed in CRM-M-3147-2024.

3. Notice of motion.

4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for last 1 year, 3 months and 25 days. He has opposed the prayer made in the present petition stating that the petitioner is involved in two more cases but is not in a position to controvert the fact that the co-accused has been granted the concession of bail, wherein alleged non-commercial recovery was effected on the basis of disclosure statement alone.

5. Be that as it may, having gone through the statements made by the parties and the record including the custody certificate which clearly indicates that the petitioner is behind the bars for last 1 year, 3 months and 25 days, as regards the involvement of the petitioner in other case is concerned he has been acquitted in FIR No. 206 dated 09.12.2020, under Section 363/366A IPC registered at P.S. Nihal Singhwala, after undergoing 4 months and 4 days and in another FIR No. 203 dated 11.05.2023, the petitioner is on bail.

6. Keeping in view the facts, the petitioner is on better footing that the other co-accused persons as they were arrested on the spot.

**CRM-M-11287-2024****-3-**

Reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

7. As per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another;; (2018) 3 SCC 22”***.

8. 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.

2024:PHHC:073640



CRM-M-11287-2024

-4-

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

10. Petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

23.05.2024
anuradha

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