

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12317-2024
DECIDED ON: 02.04.2024

SONU @ SONU SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. N.S. Dandiwal, Advocate
for the petitioner.

Mr. Rajiv Verma, 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.120, dated 22.09.2022, under Sections 21, 25, 27-A and 29 of NDPS Act, 1985, registered at Police Station Bhindi Saidan, District Amritsar (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and nominated on the basis of disclosure statement of co-accused persons namely Inderjit Singh @ Nikka and Sandeep Singh from whom the alleged recovery of 6 grams heroin was recovered. He has drawn attention of this Court to the orders dated 23.12.2022 & 16.02.2023 passed in CRM-M-59563-2022 & CRM-M-7523-2023 respectively by this Court, whereby co-accused persons have 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 prays for dismissal of the present petition stating that

the petitioner is a habitual offender, who is involved in other cases, therefore, does not deserve the concession of bail. Though, he does not controvert the fact that the recovery of contraband was effected from the possession of other co-accused persons.

4. Be that as it may, considering the fact that admittedly the contraband was not recovered from the possession of the petitioner, who has suffered incarceration of 4 months and 28 days, wherein charges are yet to be framed, meaning thereby conclusion of trial shall take sufficient time, no useful purpose would be served by keeping the petitioner behind bars for uncertain period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of 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. As far as the contention of learned State counsel with regard to pendency of other cases is concerned, 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, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

6. In the 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.

02.04.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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