

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14128-2023
DECIDED ON: 29.01.2024

VARINDER KUMAR ALIAS MANNU
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Kalsi, Advocate for
Mr. Jagjeet Singh, Advocate
for the petitioner.

Mr. H.S. Sitta, 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.92, dated 07.10.2022, under Section 15 of NDPS Act, 1985, registered at Police Station Shahpur Kandi, District Pathankot.
2. Learned counsel for the petitioner contends that the alleged recovery of 60 Kg *poppy husk* was effected from boot of the car in which the petitioner was travelling and sitting on a rear seat and the said car belongs to co-accused namely Pardeep Sharma @ Manav.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year, 3 months and 20 days. He prays for dismissal of the instant petition urging that though the car belongs to the other co-accused, but the petitioner is known to the co-accused and was accompanying them at the time when the alleged recovery of 60 Kg of poppy husk was effected.

4. Heard, learned counsel for the respective parties.
5. Be that as it may, considering the fact that the recovery was not effected from the conscious possession of the petitioner, who has been nominated as an accused merely for travelling in the car added with the fact that recovery of alleged contraband is non-commercial in nature and after framing of charges on 17.04.2023, out of total 13 prosecution witnesses, only 3 has been examined, which shows that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India.
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.

(SANDEEP MOUDGIL)
JUDGE

29.01.2024

Meenu

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