

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14869-2024
DECIDED ON: 03.04.2024

RAJPAL SINGH ALIAS GORAPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Prabhdeep Singh Bhandari, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the 3rd time under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.193, dated 24.09.2022, under Sections 22(c), 29 and 27 of NDPS Act, 1985, registered at Police Station City-2, Mansa, District Mansa (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no recovery whatsoever has been effected from his possession. He asserts that the Sections 42, 50 and 52 of Act has not been complied with in letter and spirit.
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 involved in one another case, therefore, does not deserve the concession of bail at least at this stage.
4. Be that as it may, considering the custody period suffered by the petitioner i.e., 1 year and 6 month and 9 days in the other case, he is on bail as is evident from the custody certificate, wherein investigation is complete, challan

stands presented added with the fact that conclusion of trial shall take sufficient time, as after framing of charges on 31.01.2023, none has been examined so far out of 15 prosecution witnesses, 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.

(SANDEEP MOUDGIL)
JUDGE

03.04.2024

Meenu

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