

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14852-2024
DECIDED ON: 03.04.2024

SANJAY

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Deipa Singh, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked for the 2nd time under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.682, dated 23.09.2021, under Sections 20 and 27-A of NDPS Act, 1985, registered at Police Station City Hansi, District Hisar (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 the possession of the petitioner, as is evident from the final report under Section 173 Cr.P.C. He has drawn attention of this Court to an order dated 08.02.2024 (Annexure P-6) passed by this Court in CRM-M-37345-2023, vide which Jasmer @ Kuku has been granted the concession of regular bail from whom recovery of 5 Kg 100 grams of Sulpha was effected.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He does not controvert the fact that recovery was not effected from the conscious possession of the petitioner.

4. Be that as it may, considering the fact that admittedly the recovery was not effected from the possession of the petitioner, who has suffered incarceration of 2 years, 6 months and 8 days as is evident from the custody certificate and co-accused namely Jasmer @ Kuku has already been granted the concession of regular bail added with the fact that conclusion of trial shall take sufficient time as after framing of charges on 27.03.2022, only 5 prosecution witnesses have been examined so far out of total 27, 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. 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.

6. The present petition, is hereby allowed.

7. 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