

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15844-2024
DECIDED ON: 05.04.2024

AMANDEEP SINGH ALIAS AIMU
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. P.S. Bhandari, AAG 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.0117, dated 11.07.2023, under Sections 21, 25 of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Beas, District Amritsar (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner was nominated as an accused on the basis of disclosure statement of co-accused and no recovery whatsoever has been effected from his possession.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He fails to establish from the record, which has been brought by ASI Rattan Singh, that the petitioner is actually a supplier, as no incriminating material is available even to corroborate the disclosure statement made by Manpreet Singh from whom the recovery of contraband was effected. He candidly admits that nothing has been recovered from the possession of the

petitioner, though prays for dismissal of the present petition stating that the petitioner is involved in other cases.

4. Heard, learned counsel for respective parties.

5. Be that as it may, considering the fact that in the instant case, the petitioner has suffered incarceration of 7 months and 24 days, wherein admittedly no recovery has been effected from his possession added with the fact that conclusion of trial shall take sufficient time, as after framing of charges on 08.11.2023, none has been examined so far out of total 12 prosecution witnesses, no useful purpose would be served by keeping the petitioner behind bars for an uncertain period, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule and jail is an exception*”, 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.***

6. 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.

7. In 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.

8. The present petition is hereby allowed.
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.

05.04.2024

(SANDEEP MOUDGIL)
JUDGE

Meenu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No