

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16646-2024
DECIDED ON: 10.04.2024

MOHAMMAD FAIZAN
VERSUS
STATE OF PUNJAB
.....PETITIONER
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Sekhon, Advocate, for the petitioner.
Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 32, dated 06.08.2022, under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Thulliwal, District Barnala.
2. Learned counsel for the petitioner submits that the petitioner has been nominated on the basis of disclosure statement suffered by Mohd. Annas on 04.09.2022. He further submits that no recovery was effected from the petitioner and he was merely standing near the scooter on which the co-accused Mohd. Annas was sitting from whom 100 strips of NOXOX-N and 23 strips of Buprisan were recovered. It is asserted that the main accused in the present case is Karamjit Singh from whom the recovery of total 500 intoxicating tablets of Celcidal-100 SR has been effected, on whose disclosure statement Mohd. Annas and Mohd. Fazan have been arrested on 02.09.2022, has already stands discharged by learned trial Court on the basis of FSL report, as the salt found in those tablets does not fall within the ambit of NDPS Act.

3. Custody certificate of the petitioner filed by learned State counsel is taken on record. He could not controvert the fact with regard to discharge of Karamjit Singh and also the factum that nothing has been recovered from the possession of the petitioner, who has been nominated on the basis of disclosure statement of Mohd. Annas.
4. Heard, learned counsel for the respective parties.
5. Be that as it may, considering the fact that no recovery has been effected from the petitioner, who has been nominated on basis of disclosure statement of Mohd. Annas added with fact that the petitioner has already suffered incarceration of 01 year 7 months and 7 days and after framing of charges on 13.03.2023, out of total 27 prosecution witnesses only three have been examined so far, which is sufficient to infer this Court that conclusion of trial shall take considerable time, no useful purpose would be served by keeping the petitioner behind bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal as enshrined under Article 21 of Constitution of India.
6. In view of the discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of learned Chief Judicial Magistrate/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.

10.04.2024

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(SANDEEP MOUDGIL)
JUDGE

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