

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-18845 of 2024
Date of Decision: 25.04.2024

Beant Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.197, dated 16.11.2021, under Sections 15 and 29 of the NDPS Act, 1985 and Sections 192 and 207 of the Motor Vehicles Act, 1988, registered at Police Station Special Task Force, Phase-IV, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that the petitioner was charge for an offence under Section 15 of the NDPS Act while at the time of apprehension, he was deputed on the offending vehicle i.e. truck bearing registration No.HR-65-9507 as a conductor which was being driven by co-accused Avtar Singh. He further submits that the petitioner was not aware of the material being transported at the truck being merely as a conductor working on petty wages.

Learned counsel for the petitioner has produced a copy of the order dated 02.09.2021 whereby a Coordinate Bench of this Court has granted the anticipatory bail to the petitioner in CRM-M-11051-2021.

Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he prays for dismissal of the instant petition stating that huge quantity of the contraband i.e. 1600 kgs. of poppy pods were recovered and the petitioner is a habitual offender as he is involved in other case i.e. in FIR No.89 dated 16.06.2022, registered at Police Station City 1, Sangrur.

Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 02 years, 05 months and 04 days and considering the fact that investigation is complete, challan stands filed, charges have been framed on 05.11.2022 and the fact that out of total 19 prosecution witnesses, only one has been examined so far which is sufficient to infer for this Court that the trial will take long time, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal 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.***

As far as the pendency of other cases and involvement of the petitioner in 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, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with

reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.

In view of the above, 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.

The present petition is, hereby, allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

25.04.2024
D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No