



219 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-21459-2024
DECIDED ON: 23.05.2024**

DHARAMBIR SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Rajni Gupta, Advocate, for the petitioner.

 Mr. Jasjit Singh Rattu, DAG 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.139, dated 28.09.2021, under Section 22 of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Sadar Patti, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner has already been granted regular bail by this Court vide order dated 15.02.2024 passed in CRM-M-7023-2024. It is further submitted that Section 29 of NDPS Act was neither mentioned in the FIR nor in the dismissal of the bail application by learned Judge, Special Court, Tarn Taran while dismissing the application and the same was added later on by the prosecution. The petitioner approached the trial Court for grant of regular bail under Section 29 of NDPS Act (added subsequently) but the same was dismissed vide order dated 18.03.2024 (Annexure P-4).

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record.

4. Learned State counsel does not controvert the afore-said factual position.
5. Be that as it may, considering the fact that the petitioner has already been granted the concession of regular bail by this Court in the afore-said FIR and Section 29 of NDPS Act, has been added subsequently at later stage by the prosecution and custody period undergone by the petitioner i.e. 2 years and 23 days as of now added with the fact that the petitioner is a person of clean antecedents, as he is not involved in any other case, no useful purpose would be served by keeping him behind bars for an indefinite period, which would curtail his right to life and liberty as enshrined under Article 21 of the Constitution of India.
6. 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.
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.

23.05.2024
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(SANDEEP MOUDGIL)
JUDGE

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