



CRM-M-20631 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-20631 of 2024

Date of Decision: 20.05.2024

Vazir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Virender Kumar, Advocate
for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.59, dated 08.08.2022, under Section 22(c) of the NDPS Act, 1985, registered at Police Station Sadar Budhlada, District Mansa.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present petition and the alleged recovery of 410 intoxicating tablets of Tramadol Prolonged-release tablets IP TRAMWEL SR 100 SR were planted upon him, who was working as a labourer in Dana Mandi and while sitting under a shed, apprehended forcibly. Even as per the prosecution story, on physical search of the petitioner, nothing is found from the pockets of the petitioner or any other part as it is being narrated in the FIR and subsequently in the challan after the investigation.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present

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petition stating that the allegations against the petitioner are serious in nature.

Be that as it may, considering the fact that investigation is complete, challan stands filed and charges have also been framed on 03.01.2023 and the custody period undergone by the petitioner i.e. 01 year, 09 months and 09 days as of now, who is a person of clean antecedents as is evident from the custody certificate added with the fact that out of total 11 prosecution witnesses, eight have been examined so far which is suffice to infer for this Court that the conclusion of trial shall take considerable time, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite 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 the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.*

In view of the above, 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.

In the aforesaid terms, the present petition is, hereby, allowed.

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

20.05.2024*D.Bansal***(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No