

CRM-17651-2024 in/and 2024:PHHC:057205 -1-
CRM-M-21783-2023
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104 CRM-17651-2024 in/and
207 CRM-M-21783-2023
DATE OF DECISION: 26.04.2024

RAKESH KUMAR ...PETITIONER
Versus
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yashpal Thakur, Advocate for the petitioner(s).
Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for grant of regular bail to the petitioner in FIR No. 58, dated 06.08.2022, under Sections 22/61/85 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act) registered at Police Station Sadar, Rajpura, District Patiala (Annexure P-1).
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case. The alleged recovery from the petitioner is 8100 capsules of Tramadol. He submits that the petitioner is not involved in any other case.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for the last 1 year, 8 months and 20 days, who is not involved in any other case.
4. Having heard learned counsel for the respective parties, this Court is of the considered view that investigation is complete, challan stands presented on 24.01.2023 and charges have been framed on

21.04.2023 and further, out of 12 cited prosecution witnesses, none has been examined and since the petitioner has already suffered sufficient period in custody and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in “***Dataram Singh vs. State of Uttar Pradesh and another;* (2018) 3 SCC 22**”.

5. In view of the aforesaid 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.

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

7. Pending application, if any, stands disposed of.

(SANDEEP MOUDGIL)
JUDGE

26.04.2024

anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No