

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

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**CRM-M No.21633 of 2024
Date of Decision : 27.5.2024**

Mandeep Singh @ Manni**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Amarsh Dudeja, Advocate, for the petitioner

Mr. Chetan Sharma, DAG, Haryana

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.275, dated 9.9.2023, under Sections 22-C, 29, 61, 85 of the NDPS Act, 1985, registered at Police Station Kalka, District Panchkula.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused Amit Agarwal. He asserts that even thereafter, from the date of his arrest on 10.9.2023, nothing incriminating has been produced by the prosecution to connect the present petitioner with the Commissioning of present offence involved in the instant FIR. The recovery whatsoever, i.e., 1200 Lomotil intoxicant tablets is stated to have been recovered from the main accused Amit Agarwal, which were purchased by him from one of his friend Mandeep Singh @ Manni, i.e. present petitioner.

3. Notice of motion.

4. On the asking of Court, Mr. Chetan Sharma, DAG, Haryana,

accepts notice on behalf of the respondent-State, who has produced the custody certificate, which is taken on record. He could not controvert the fact that the petitioner has been nominated under Section 29 of the NDPS Act on disclosure statement made by the main accused Amit Agarwal. He also clarifies that nothing has been recovered from the possession of the petitioner and on instructions from SI Reeta as well that no other material against the petitioner is produced.

5. Considering the custody period suffered by the petitioner, i.e., 8 months and 15 days in the instant FIR, wherein challan stands presented on 16.4.2024 and out of total 19 witnesses, none has been examined so far, meaning thereby that the trial will take long time. Another aspect with respect to co-accused Jasbir Singh and Wasim Ahmad, who were also nominated being parity under Section 29 of the NDPS Act, stands granted the concession of bail by this Court vide orders dated 23.4.2024 in CRM-M No.21633 of 2024, and 20.5.2024 in CRM-M No.24065 of 2024.

6. A Division Bench of this High Court in ***Rajender Singh vs. State of Haryana, 2022(2) R.C.R. (Criminal) 85***, has held that a right under Article 21 of the Constitution of India includes right to speedy trial and expeditious disposal which is also in public interest primarily showing concern on a following view point.

(a) the period of remand and pre-conviction detention should be as short as possible. In other words, the accused should not be subjected to unnecessary or unduly long incarceration prior to his conviction;

(b) the worry, anxiety, expense and disturbance to his vocation and peace, resulting from an unduly prolonged investigation, inquiry or trial should be minimal; and

(c) undue delay may well result in impairment of the ability of the accused to defend himself, whether on account of

death, disappearance or non-availability of witnesses or otherwise.

8. Be that as it may, considering the above facts, that no incriminating material is available for commissioning of offence and the petitioner is in custody since 10.9.2023, wherein challan was presented on 16.4.2024 and since then out of 19 prosecution witnesses, none has been examined so far which is sufficient to convince the Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period which would violate the principle of right to speedy trial and expeditious disposal under Article 21 of the Constitution of India, as has been time and again discussed by the 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.*

9. In the light of the aforesaid facts and circumstances, the petitioner is, therefore, directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. The present petition is, hereby, allowed.

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

(SANDEEP MOUDGIL)
JUDGE

24.5.2024

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No