



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

CRM-M-21751-2024
DATE OF DECISION: 09.07.2024

SIMRAN ...PETITIONER

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Chaudhary, Advocate with
Mr. Himanshu, Advocate and
Mr. Hritik, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 0191, dated 02.04.2024, under Sections 15-B/61/85 of The Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Tohana, District Fatehabad.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case and the alleged recovery of 4.5 kg of poppy husk which is of non-commercial in nature has been planted upon the petitioner. The petitioner has been in custody since 02.4.2024. As no further recovery is to be affected from the petitioner, no fruitful purpose would be served by keeping the petitioner behind the bars.



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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 only since last 3 months and 4 days. He has opposed the prayer made in the present petition stating that the petitioner is involved in one more case also.

4. Having heard learned counsel for the respective parties, this Court is of the considered view that since the petitioner has already suffered sufficient period in custody, recovery is of non-commercial quantity 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. As far as the pendency of other case and involvement of the petitioner in other case 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



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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 such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

6. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on her furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

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

8. Petition is allowed in above terms.

(SANDEEP MOUDGIL)
JUDGE

09.07.2024
anuradha

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