

2024:PHHC:065180



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

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CRM-M-22291-2024

DATE OF DECISION: 09.05.2024

**MANINDERPAL SINGH @ MANINDER PAL @ MINTU
...PETITIONER**

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vipin Mahajan, 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 the grant of regular bail to the petitioner in FIR No. 73, dated 08.10.2023, under Sections 22(C), 27-A, 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (Offence under Section 29 of NDPS Act added later on) registered at Police Station Ghuman Kalan, District Gurdaspur, Punjab.

2. Learned counsel for the petitioner contends that the petitioner was named in the disclosure statement of co-accused-Daler Kumar who suffered a statement that he purchased the alleged 4500 loose intoxicated tablets from the petitioner, thereafter, the petitioner was nominated as accused and was arrested on 20.11.2023. He further submits that the petitioner is not a habitual offender meaning hereby that he has clean antecedents.

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



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suffered incarceration for a period of 5 months and 17 days and opposes the prayer on the ground that the quantity of contraband is commercial in nature.

4. Be that as it may, considering the facts that the petitioner has suffered incarceration of more than 5 months and 17 days and is not a habitual offender meaning thereby that he is not involved in any other case of any nature. 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 in the light of the fact that out of 12 prosecution witnesses, none has been examined 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.

(SANDEEP MOUDGIL)
JUDGE

09.05.2024
anuradha

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