



CRM-M-24065 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-24065 of 2024
Date of Decision: 20.05.2024

Wasim Ahmad

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Suneel Sharma, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.275, dated 09.09.2023, under Section 22(c) and 29 of the NDPS Act, 1985, registered at Police Station Kalka, District Panchkula.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present petition and he has been nominated as an accused on the basis of disclosure statement of co-accused Jasvir Singh @ Jassa and the said co-accused has also been granted the concession of regular bail by this Court, vide order dated 23.04.2024. He further submits that the petitioner is not involved in any other case.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the allegations against the petitioner are serious in nature.



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Be that as it may, considering the fact that investigation is complete, challan stands presented on 06.02.2024 and the custody period undergone by the petitioner i.e. 08 months and 03 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 19 prosecution witnesses, none has 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