



CRM-M-25126 of 2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-25126 of 2024  
Date of Decision: 24.05.2024

Sukhwinder Singh @ Sukha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajay Singla, Advocate for the petitioner.

Mr. J.S. Rattu, DAG, Punjab.

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**SANDEEP MOUDGIL, J (ORAL)**

This is a petition seeking regular bail to the petitioner in FIR No.203, dated 14.11.2022, under Section 15(c), 25, 27 and 29 of the NDPS Act, 1985, registered at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he is only employed as a driver by the owner of the truck-Gurmeet Singh who has since expired and now the co-accused, namely, Dharampreet Singh is managing the running of the offending vehicle. The alleged recovery of 240 kg. of poppy husk is from the vehicle which was transported in 12 plastic sacks and on that account, the said FIR was lodged involving the present petitioner. He further submits that the petitioner is not involved in any other case meaning thereby he is not an habitual offender.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present



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petition stating that the allegations against the petitioner are serious in nature.

Be that as it may, considering the fact that investigation is complete, challan stands filed and charges have also been framed on 06.03.2023 and the custody period undergone by the petitioner i.e. 01 year, 06 months and 06 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 20 prosecution witnesses, none has been examined so far for the last more than one year 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.

**24.05.2024***D.Bansal***(SANDEEP MOUDGIL)  
JUDGE**

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