

DATE OF DECISION: 21.05.2024

...PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

SANDEEP MOUDGIL, J (ORAL)

2. Learned counsel for the petitioner contends that the alleged recovery of 30 strips of Carisoma and 15 vials of Wincerex has been planted upon the petitioner whereas he was only co-passenger in the vehicle from the dashboard of which the recovery has been effected. The said vehicle bearing registration No.PB-19M-0142 makes Swift Car belongs to other co-accused Talwinder Singh and the petitioner cannot be connected to the said car in any manner whatsoever.

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



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petitioner is behind bars for last 4 months and 19 days who is not involved in any other case. He on instructions from ASI Gurlal Singh has opposed the prayer made in the present petition.

5. Keeping in view of the facts that the vehicle from where the recovery was made was not owned by the petitioner and this fact is corroborated by learned State Counsel, the petitioner has been in custody for more than four months and is not involved in any other case and further no recovery is to be made from the petitioner, 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 in the light of the fact that out of 16 prosecution witnesses, none has been examined since framing of charges on 08.04.2024 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***".

6. 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.



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 stands allowed.

(SANDEEP MOUDGIL)
JUDGE

21.05.2024
anuradha

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