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

**CRM-M-27042-2024
DATE OF DECISION: 31.05.2024**

**KARAM SINGH ALIAS PARVEEN ALIAS PEENU
...PETITIONER**

Versus

STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr.Amandeep, 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. 278, dated 16.08.2021, under Section 20 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 20C, 29 and 27-A of the NDPS Act added later on) , registered at Police Station Sadar Hansi.
2. Learned counsel for the petitioner contends that at the time of apprehension, the petitioner was juvenile but now he has attained majority. He was not named in the FIR and was nominated on the basis of disclosure statement of co-accused-Deepak Kumar who has been granted concession of bail by this Court who was further named by one Rekha who has also been granted concession of regular bail by this Court in CRM-M-30308-2023 vide order dated 28.08.2021.
3. Notice of motion.
4. On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has



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produced custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for the 1 year, 1 month and 28 days. He seeks dismissal of the petition on the ground that the petitioner is involved in five other cases and out of which, in one FIR No. 158 dated 07.4.2021 registered under Sections 27-A, 21-B, 29 of the NDPS Act, registered at P.S. City Fatehabad, the petition has been convicted.

5. Be that as it may, keeping in view the facts that that no recovery has been effected from the petitioner, was named on the basis of disclosure statement of co-accused Deepak Kumar who was granted concession of bail who was further named by one Rekha who has also been granted concession of regular bail by this Court, investigation is complete, charges have been framed on 27.07.2023, this Court finds no reason to deny the petitioner the concession of bail.

6. 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 19 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**".



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7. As far as the pendency of other cases and involvement of the petitioner in other cases 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 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.

8. 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.

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

10. The petition stand allowed.

(SANDEEP MOUDGIL)
JUDGE

31.05.2024
anuradha

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