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

CRM-M-26412-2024

DECIDED ON:29.05.2024

GURPREET SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Kamal Deep Kumar, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked seeking regular bail to the petitioner in case FIR No. 76, dated 29.10.2021, under Section 22 of NDPS Act, 1985, registered at Police Station Kheri Gandain, Distrcit Patiala.

2. It has been contended on behalf of the petitioner that the recovery of 170 intoxicant injections make Leegestic 02 ml each containing salt Tramadol Hydrochloride, allegedly made from the possession of the petitioner and his co-accused and the said injections are stated to be of expiry date.

3. Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. As per the said custody certificate the petitioner has suffered incarceration for a period of 2 years 6 months and 26 days, as on now. He prays for dismissal of the present petition stating that as per the FSL report the expiry date of the injections is noticed to be April 2023 with

4. Be that as it may, considering the custody period undergone by the petitioner i.e. 2 years 6 months and 26 days, who is a person of clean antecedents added with the fact that the co-accused of the petitioner namely Ricky has already been granted the concession of regular bail by a co-ordinate bench of this Court vide order dated 10.05.2024 passed in CRM-M-21286-2024; the conclusion of trial shall take considerable time as after framing of charges out of total 12 prosecution witnesses only two have been examined so far, this Court is of the view that no fruitful purpose would be served by detaining the petitioner behind the bars for an indefinite period, which would curtail his right to life and liberty including speedy trial as enshrined under Article 21 of the Constitution of India and is also 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 discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing personal/surety bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. The present petition is allowed in the afore-said terms.

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.

(SANDEEP MOUDGIL)
JUDGE

29.05.2024

Sham

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No