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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26511-2024 (O&M)
DECIDED ON:30.05.2024

RAJDEEP SINGH @ BILLA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Hitesh Verma, Advocate, for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM23019-2024

This application has been filed for exemption from filing original/certified/legible/true typed copies of annexures.

For the reasons recorded in the application, the same is allowed.

CRM-M-26511-2024

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. 60, dated 15.10.2023, under Sections 21/29 of The Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sehna, District Barnala.
2. Learned counsel for the petitioner contends that the instant FIR was registered against two persons including petitioner and from them alleged 43 grams of Heroin was recovered which is noncommercial in nature. He submits that challan was presented on 13.12.2023 and charges were framed on 22.12.2023. He relies upon the order dated 20.05.2024 passed in CRM-M-24436-2024 (Annexure P-2) vide which the similarly situated co-accused namely Pargat Singh @ Gori, has already been granted the concession of regular

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for the 7 months and 12 days and is involved in two other cases, in which he is on bail. He has opposed the prayer made in the present petition stating that the petitioner is a habitual offender.

4. 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 as out of total 10 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".

5. 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.

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

7. Petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

30.05.2024
Sham

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