



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

**CRM-M-26712-2024
DECIDED ON:30.05.2024**

MANPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Arjun Veer Sharma, 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 for the grant of regular bail to the petitioner in case FIR No. 197, dated 16.11.2021, under Sections 15 and 29 of NDPS Act, 1985 and Sections 192 and 207 of Motor Vehicles Act, 1988, registered at Police Station STF, Phase-4, District SAS Nagar.

2. It has been contended on behalf of the petitioner that the allegation against the petitioner is that he was escorting the truck bearing registration No. HR-65-9507 from which 1600 KG poppy husk was recovered and the said truck belongs to one Beant Singh, who has already been granted the concession of regular bail by this Court vide order dated 25.05.2024 passed in CRM-M-18845-2024 (Annexure P-3).

2. Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he prays for dismissal of the instant petition stating that huge quantity of the contraband i.e. 1600 kgs. of poppy pods were recovered.

3. Be that as it may, having gone through the custody certificate, the petitioner has suffered incarceration of 02 years, 06 months and 07 days and considering the fact that the truck from which the alleged recovery has been effected belongs to one Beant Singh, who has already been granted the concession of regular bail by this Court (Annexure P-3) added with the fact that after framing of charges on 05.11.2022, out of total 19 prosecution witnesses, only one has been examined so far which is sufficient for this Court to infer that the trial will take long time, no useful purpose would be served by keeping the petitioner behind the bars for uncertain 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 upon the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

4. In view of the 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.

5. The present petition is hereby allowed.

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.

30.05.2024
Sham

(SANDEEP MOUDGIL)
JUDGE

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