



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

**CRM-M-27953-2024
DECIDED ON: 14.06.2024**

PARDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sehajpreet Singh Sandhu, Advocate for
Mr. Angrej Singh Sarwara, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.2, dated 04.01.2024 (Annexure P-1), under Sections 21, 22, 29 of the NDPS Act, 1985, registered at Police Station Barnala, District Barnala.
2. Learned counsel for the petitioner contends that the case of the petitioner is at parity with the other co-accused Seema Kaur @ Seema Rani, who has been granted the concession of regular bail by this Court vide order dated 23.05.2024 passed in CRM-M-23365-2024. He further submits that the investigation is complete and challan stands presented before the trial Court on 30.04.2024. It has been submitted on behalf of the petitioner that he is ready and willing to join the investigation and cooperate with the investigating agency.
3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record.

He does not controvert the above said fact that the case of the petitioner is at parity with the co-accused namely Seema Kaur @ Seema Rani.

4. Be that as it may, considering the custody period i.e. 05 months and 06 days for which the petitioner has suffered incarceration and undertaking given by learned counsel for the petitioner today in Court and the fact that the case of the petitioner is at parity with the co-accused namely Seema Kaur @ Seema Rani, who has been granted the concession of regular bail by this Court vide order dated 23.05.2024 passed in CRM-M-23365-2024.

5. In the light of above facts, this Court is sanguine of the fact that according to the proposition settled by the Apex Court in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

6. Therefore, 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. In the afore-said terms, the present petition is hereby allowed.

8. 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

14.06.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No