



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

RAJPAL SINGH **...PETITIONER**

STATE OF PUNJAB ... RESPONDENT

Present: Mr. P.S. Sekhon, Advocate and
Mr. R.S. Gill, Advocate for the petitioner(s).
Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

2. Learned counsel for the petitioner contends that the petitioner is innocent and is falsely implicated in the present FIR as he is unaware of the allegations leveled in the instant FIR. The present FIR was registered on the basis of secret information against the present petitioner and the co-accused. As per the alleged allegations they were indulged in sale of Heroin. The petitioner along with co-accused were intercepted while they were coming in a car and upon checking the same, recovery of 510 grams Heroin was effected from the dashboard

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of the car. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the alleged supplier of the contraband namely Anmol, one of the co-accused has already been granted bail by this Court vide order dated 05.09.2023 passed in CRM-M-43195-2023.

3. Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration for a period of 01 year, 06 months and 16 days. He prays for dismissal of the petition on the ground that the petitioner is involved in other cases also meaning thereby he is a habitual offender.

4. Keeping in view the facts that the petitioner has suffered incarceration for a period of 01 year, 06 months and 16 days, challan stands presented on 09.06.2023, charges were framed on 02.05.2024 and out of total 16 prosecution witnesses, only one witness has been examined so far, meaning thereby the conclusion of the trial will take certainly long time, added with the fact that co-accused Anmol has already been granted bail by this Court vide order dated 05.09.2023 passed in CRM-M-43195-2023.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court 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



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21 of Constitution of India and is against the principle “bail is a rule and jail is an exception”.

6. 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.

7. 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.

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



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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.

(SANDEEP MOUDGIL)
JUDGE

01.07.2024
anuradha

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