

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32357-2022
DECIDED ON: 20.02.2024

JASPAL SINGH @ PALA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kunwar Rajan, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.0128, dated 11.09.2021, under Sections 15(c) of NDPS Act, 1985, registered at Police Station Sadar Malout.
2. Learned counsel for the petitioner submits that the recovery of contraband i.e., 200 kg of *poppy husk* has been effected from the truck, which belongs to the main accused namely Nachhattar Singh Kang, who has been granted the concession of anticipatory bail vide order dated 21.01.2022 (Annexure P-3) passed in CRM-M-40954-2021.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record.
4. On a query put by this Court, learned State counsel submits that after framing of charges on 07.12.2021, only three prosecution witnesses have been examined so far out of total 21.

5. Looking into the totality of facts and the submissions made by learned counsel for the respective parties, the custody period is carrying weight for considering the instant petition for regular bail i.e., 2 years, 5 months and 6 days by now, wherein the petitioner was employee of main accused, who is the owner of the truck in question from where alleged recovery of 200 kg poppy husk has been effected added with the fact that only 3 prosecution witnesses have been examined so far out of total 21 despite lapse of almost three years from the date of framing of charges, which is sufficient for this Court to infer that conclusion of trial will take long time for which the petitioner cannot be detained behind bars for an indefinite period, which would amount 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. In light of the above 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.

7. 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

20.02.2024

Meenu

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