



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29515-2024
DECIDED ON: 12.06.2024

JAGJEET SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

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.0023, dated 14.01.2023 (Annexure P-1), under Sections 15/18/61/85 of the NDPS Act, 1985, registered at Police Station Sadar Thanesar, District Kurukshetra.
2. Learned counsel for the petitioner contends that the petitioner was working as a cleaner just one month prior to the registration of the present FIR. On the strength of such fact, he argues that he was totally unaware of the contraband being transported in the alleged truck which actually belongs to the driver himself namely Balkar Singh, who is the main accused.
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 very fairly does not controvert the aforesaid fact.
4. Be that as it may, considering the custody period i.e. 01 year, 04 months and 19 days for which the petitioner has suffered incarceration and

the fact that the petitioner is not involved in any other case as per the custody certificate, meaning thereby he is not a habitual offender and his false implication in the instant FIR cannot be ruled out including his innocence in the light of the fact that the petitioner has joined as cleaner with the main accused Balkar Singh added with the fact that challan stands presented on 26.09.2023, charges have been framed on 02.01.2024 and out of total 16 prosecution witnesses, only 01 witness has been examined so far, meaning thereby, the conclusion of trial will take a long time.

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

12.06.2024

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No