



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

CRM-M-30663-2024

DECIDED ON: 05.07.2024

SATINDRA SINGH @ SONU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Barjinder Singh, 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. for grant of regular bail to the petitioner in FIR No.129, dated 13.09.2023 (Annexure P-1), under Sections 15, 29 of the NDPS Act, 1985, registered at Police Station Subhanpur, District Kapurthala.

2. Learned counsel for the petitioner contends that the petitioner has been nominated in the instant FIR without having any direct and cogent evidence against him who was working as a driver on the truck bearing No.PB-65-AR-3815, which was carrying 70 kgs of poppy husk. He further contends that the petitioner is only an employee of father of the co-accused Prince and further made a reference to the fact that the said truck is owned by father of co-accused Prince, who has been released on bail by this Court vide CRM-M-50336-2023.

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 could not controvert the aforesaid factual aspects as far as ownership is vested with father of the co-accused, namely Ompal and job assigned to the present petitioner is of the driver and seeks dismissal of the instant petition urging that 70 kgs of poppy husk has been recovered from the vehicle which was being driven by the present petitioner, who was having full knowledge of carrying such contraband.

4. Be that as it may, having regard to the fact that main accused Prince, in whose father's name the alleged vehicle is registered, has been granted the concession of bail by this Court vide CRM-M-50336-2023 and the fact that the petitioner was merely a driver of the truck which was carrying the alleged contraband weighing 70 kgs of poppy husk, has already incarcerated for 09 months and 20 days added with the fact that the conclusion of trial will take a long time as after framing of charges on 02.04.2024, out of total 10 prosecution witnesses, none has been examined till date.

5. In the light of aforesaid discussion and having gone through the record with the assistance of learned counsel for the petitioner, this Court is obvious of the fact that the petitioner cannot be detained behind the bars for an indefinite period, which would tantamount to violation of principle of criminal jurisprudence i.e. *"bail is a rule and jail is an exception"*, as has been held by Division Bench of this Court in ***"Rajinder Singh versus State of Haryana"*, 2022(2) RCR (Criminal) 85** as well as by the Apex Court in ***"Dataram Singh vs. State of Uttar Pradesh & Anr."*, 2018(2) R.C.R. (Criminal) 131** apart from the fact that Article 21 of the Constitution of India also includes right of speedy trial and expeditious disposal of the same.

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.

05.07.2024
Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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