

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 32013-2023
Date of decision : 20.01.2024

NAVEEN Petitioner
versus
STATE OF HARYANA Respondent

CORAM : HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present :- Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. G.S. Dhillon, AAG, 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.19 (Annexure P-1), dated 09.02.2023, under Section 22 (C) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Uchana, District Jind.
2. Learned counsel for the petitioner contends that 462 grams of Alprazolam and 1600 grams of Tramadol from the other co-accused namely Ashok Kumar and Amit Kumar have been recovered but nothing has been effected from the possession of the petitioner, who has been subsequently nominated in the present FIR merely on the basis of disclosure statement made by the other co-accused namely Ashok Kumar and Amit Kumar. Apart from that, Mr. Sekhon learned Advocate contends that no connection of the petitioner whatsoever has been established with the recovered contraband in the present FIR.

3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record. He though could not controvert the fact that no recovery has been effected from the possession of the petitioner who has been nominated on the basis of the disclosure statement of other two co-accused persons added with the fact that charges stands framed on 13.10.2023 and since than none out of 23 witnesses have been examined so far.
4. Looking into the totality of facts and circumstances and also the fact that the conclusion of trial would take a long time, which would curtail the right of the petitioner for speedy trial and expeditious disposal, as enshrined under Article 21 of the Constitution of India and is against the principle “bail is a rule and jail is an exception”. It is the basic principle of criminal jurisprudence that until or unless guilt is proved, nobody can be punished.
5. 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.
6. In the afore-said terms, the present petition is hereby allowed.
7. 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

20.01.2024
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No