



212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31487 of 2024
Date of Decision: 10.07.2024

Dharampreet Singh @ Preet ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. J.K.Singla, Advocate and
Ms. Suman Rani, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.203 dated 14.11.2022 registered under Sections 15(C), 25, 27 & 29 of NDPS Act, 1985, at Police Station Bhikhi, District Mansa.
2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and he was only employed as a cleaner on the truck owned by Gurmeet Singh, who has already expired. Learned counsel further contends that in the present case, similarly placed co-accused, namely, Sukhwinder Singh @ Sukha has already been granted the concession of bail by this Court vide order dated 24.05.2024 (Annexure P-6), passed in CRM-M-25126-2024. Learned counsel further contends that the petitioner is not involved in any other case and is in custody since 14.11.2022. He further



contends that in the present case, the prosecution has relied upon 20 witnesses, but no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in a serious crime and his petition is liable to be dismissed. However, learned State counsel could not dispute the fact that the petitioner is at par with his co-accused Sukhwinder Singh @ Sukha, who has already been granted the concession of bail by this Court on 24.05.2024.

4. I have heard the learned counsel for the parties and perused the record.

5. While granting bail to similarly placed co-accused, namely Sukhwinder Singh @ Sukha, this Court had observed as under:-

“Be that as it may, considering the fact that investigation is complete, challan stands filed and charges have also been framed on 06.03.2023 and the custody period undergone by the petitioner i.e. 01 year, 06 months and 06 days as of now, who is a person of clean antecedents as is evident from the custody certificate added with the fact that out of total 20 prosecution witnesses, none has been examined so far for the last more than one year which is suffice to infer for this Court that the conclusion of trial shall take considerable time, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and



expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying the judgment of the Apex Court passed in Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.”

6. Since the petitioner is at par with Sukhwinder Singh @ Sukha, the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

7. The present petition is allowed.

(N.S.SHEKHAWAT)
JUDGE

10.07.2024.
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No