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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31628-2024
DATE OF DECISION: 10.07.2024

SUMIT ALIAS KAKA ...PETITIONER
Versus
STATE OF HARYANA ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashish Kaushik, Advocate for the petitioner(s).
Mr. S.S. Pannu, Addl. A.G, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 0529, dated 21.06.2022, under Sections 29 The Narcotic Drugs and Psychotropic Substances Act, 1985 and (Section 20 of the NDPS Act added later on) , registered at Police Station Chandni Bagh, District Panipat.

2. Learned counsel for the petitioner contends that the petitioner was named in the FIR and was arrested on the basis of disclosure statement made by main accused Sikander alias Shubham. He further contends that no recovery has been made from the petitioner but Bullet bike and Rs. 8500/- was recovered from the house of the petitioner. The petitioner has been in custody since 27.06.2022. He points out that the investigation is complete and charges have been framed.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the



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petitioner is behind bars for last 2 years and 10 days who is not involved in any other case.

4. Having heard learned counsel for the respective parties, this Court is of the considered view that since the petitioner has already suffered sufficient period in custody i.e. 2 years and 10 days, he is not involved in any other case, investigation is complete and charges are framed and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgement of Apex Court in “***Dataram Singh vs. State of Uttar Pradesh and another*, (2018) 3 SCC 22**”.

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. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

7. Petition is allowed in above terms.

(SANDEEP MOUDGIL)
JUDGE

10.07.2024
anuradha

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No