

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106+ 212

CRM-M-42797-2021 (O&M)
Date of Decision: 13.05.2024

DIGVIJAY SINGH SHEKHAWAT

.....Petitioner

Vs.

UNION OF INDIA

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sunish Aggarwal, Advocate and
Mr. Rajesh Tushar, Advocate for
Mr. Rohit Mittal for the petitioner.

Ms. Anju Bansal, Advocate and
Ms. Geetika Sharma, Advocate for
Mr. Sourabh Goel, Senior Standing Counsel,
for the respondent.

DEEPAK GUPTA, J. (ORAL)

CRM-20242-2024

This is an application under Section 482 Cr.P.C moved by the petitioner to place on record copies of the zimni orders passed by the trial Court as Annexures P-14 and P-15.

The application is allowed. Annexures P-14 and P-15 are taken on record.

CRM-M-42797-2021 (O&M)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case Crime No.55/2021 dated 29.08.2021, under Sections 8, 20, 25, 29 and 60 of NDPS Act, 1985, registered at Police Station NCB Chandigarh.

2. As per prosecution allegations, officials of NCB intercepted a car, which was occupied by the petitioner – Digvijay Singh Shekhawat and from his possession 1.550 kg of charas was recovered on 29.08.2021.

3. Learned counsel for the petitioner prays for grant of bail submitting that petitioner is in custody for the last approximately more than 02 years and 08 months. It is also submitted that petitioner is not involved in any other case.

4. The bail petition is resisted by learned counsel for Union of India, submitting that co-accused has been allowed bail by this Court, but he absconded from trial, due to which the trial is held up. Learned counsel also informs that process is on to segregate the trial of the present petitioner from the other co-accused and that the petitioner is not filing reply to that application.

5. Be that as it may, it is not disputed that as of now, custody period of the petitioner in the present case is approximately 02 years and 08 months. The custody certificate also reveals that he is not involved in any other case. Trial is likely to take long time to conclude. No purpose shall be served by keeping him detained.

6. No doubt, the recovered quantity of contraband falls in the commercial category and rigor of Section 37 of the NDPS Act are applicable but at the same time, the Court cannot ignore Article 21 of the Constitution of India guaranteeing the fundamental right to life and liberty, which also includes speedy trial.

7. Looking into the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, the petitioner is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

13.05.2024
pry

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No