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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44563 of 2023
Date of Decision: 16.04.2024

Sukhvir Singh @ Sukha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Yashpal Thakur, Advocate for the petitioner.
Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.134, dated 28.08.2022, under Sections 22(c)/61/85 of the NDPS Act, 1985, registered at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the alleged recovery of 50 injections Buprenorphine make Leegesic with the expiry date April, 2024 and 50 bottles of Pheniramiine Maleate injections IP each bottle containing 10 ML make Avil with expiry date March 2025, is a chance of recovery though fall in the commercial quantity has been planted upon the petitioner.

Learned State counsel, on the other hand, has produced the copy of the custody certificate, which is taken on record and he prays for dismissal of the instant petition stating that the petitioner is involved in another case meaning thereby he is a habitual offender.

Be that as it may, considering the fact that investigation is complete, challan stands filed and charges have also been framed on

29.03.2023 and the fact that out of total 15 prosecution witnesses, none has been examined so far which is sufficient to infer for this Court that the trial will take long time, no useful purpose would be served by keeping the petitioner behind the bars for uncertain 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.***

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.

In view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

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

16.04.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE

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