

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214 CRM-M-47761-2023
DATE OF DECISION:15.04.2024

JASPAL SINGH @ PALI

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jagjit Singh, Advocate for the petitioner(s).
Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

Second petition under Section 439 Cr.P.C. has been filed by the petitioner for grant of regular bail in case of FIR No. 127, dated 24.07.2022, under Sections 22 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (later on Section 27 of NDPS Act has been added) registered at P.S. City-1, Mansa, District Mansa (Annexure P-1).

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the alleged recovery of 1200 tablets containing Alprazolam salt has not been recovered from the conscious possession of the petitioner. He further submits that the alleged recovery is planted one and the petitioner was forcefully picked by the police from his house. In addition to that, he submits that the petitioner is behind the bars for almost one year and nine months. He further points out that the conclusion of trial will take time as out of 14 prosecution witnesses only 7 have been examined.

3. Learned State counsel has produced the custody certificate and the same is taken on record. According to the custody certificate, the petitioner is behind the bars for 1 year, 8 months and 23 days and the

petitioner is not involved in any other case which has been candidly accepted by learned State Counsel.

4. Considering the quantity of the contraband, period of custody i.e. 1 year, 8 months and 23 days and that the petitioner has clean antecedents meaning thereby he is not a habitual offender, this Court is of the view that conclusion of trial is likely to take time. Further this Court is sanguine of the fact that according to the proposition settled by the Apex Court that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is a rule and jail is an exception”.

5. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on her 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

15.04.2024
anuradha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No