

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48712-2023
DECIDED ON: 05.02.2024

DAVINDER SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gursher Singh Dhillon, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.121, dated 29.08.2022, under Section 22 of NDPS Act, 1985, registered at Police Station Phase-8, District SAS Nagar, Mohali.
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the recovery was effected from the Driver seat of auto rickshaw, which is non-commercial in nature. The petitioner is in custody since 01.09.2022.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. As per the custody certificate the petitioner has undergone the incarceration for a period of 1 year, 2 months and 29 days as of now and is not involved in any other case. He does not dispute the factum of recovery of contraband which is of non-commercial in nature.

4. Considering the fact that the recovery is admittedly non-commercial in nature and the petitioner is a person of clean antecedents, as he is not involved in any other case, added with the fact that conclusion of trial shall take sufficient time, as after framing of charges, no prosecution witness has been examined out of total 12, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also violate his right to life and liberty, as enshrined under Article 21 of the Constitution of India.

5. In view of the above 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. 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

05.02.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>