

2024:PHHC:136370



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50053-2024
DECIDED ON: 18.10.2024

SURENDER

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vaneet Soni, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court under Section 439 of Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 352, dated 18.05.2023, under Sections 20(b)(ii)(C), 20(B)(ii)(C) (Section 27A/61/85 of NDPS Act added later on), registered at Police Station City Hansi Police District Hansi, District Hisar.

2. Contentions

On behalf of the petitioner

Learned counsel for the petitioner submitted that the petitioner is falsely implicated in the present case and was nominated on the basis of disclosure statement of co-accused Vishwas, who along with Chatter Pal was apprehended at

the spot. He further submits that co-accused namely Prem has already been granted the concession of regular bail by this Court vide order dated 02.12.2023 passed in CRM-M-43165-2023 and claims parity.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition on the ground that the petitioner is involved in one another case, therefore does not deserve the concession of regular bail at this stage, but could not controvert the fact that the petitioner is at par with the co-accused Prem, who has already been granted the concession of bail.

3. **Analysis**

Heard the counsel for both the parties.

Considering the submissions made by learned counsel for the petitioner that no recovery was effected from the possession of the petitioner added with the fact that co-accused person has already been granted the concession of bail apart from the fact that conclusion of trial shall take sufficient time as after framing of charges on 21.12.2023 none has been examined out of total 25 prosecution witnesses, no useful purpose would be served by keeping the petitioner behind 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 upon 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 contention of learned State counsel with regard to pendency of other case 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, this Court observed that pendency of other FIRs involving the accused-petitioner cannot be a predicament to consider the case for anticipatory bail or regular bail, as the evidence of the material involved in those FIRs can be treated in those cases alone and not material in instant FIR against the accused-petitioner to hold him guilty.

5. DECISION:

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, 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.

18.10.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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