

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55004-2023
DECIDED ON: 31.01.2024

CHARANJIT SINGH @ GOGGI
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No.6, dated 07.03.2022, under Sections 21/25/29 NDPS Act, registered at Police Station State Special Operation Cell, District Amritsar.
2. Learned counsel for the petitioner contends that the contraband was recovered underneath the driver's seat of the car, which was being driven by co-accused Balbir Singh and the present petitioner was occupying in the said car. It is submitted on behalf of the petitioner that the said car does not belong to him and he was just traveling therein under good faith and having no knowledge of transporting the said contraband whatsoever.
3. On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, to demonstrate that he has suffered incarceration for a period of 01 year 10 months and 25 days and is not involved in any other case, meaning thereby he is not a habitual offender.

4. Looking into the totality of the facts and circumstances and added with fact that charges were framed on 24.05.2023; out of total 16 prosecution witnesses, only 10 witnesses have been examined till date, meaning thereby the trial is at the fag end and the petitioner is of clean antecedents, as is evident from the custody certificate, therefore, no useful purpose would be served by keeping the petitioner behind the bars for uncertain period.
5. 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*”.
6. In view of the aforesaid 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.
7. In the afore-said terms, the present petition is hereby allowed.
8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.01.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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