

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60982-2023
DECIDED ON: 01.02.2024

IQBAL SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.S. Aulakh, Advocate for
Mr. Ajay Pal Singh Gill, Advocate
for the petitioner.

Mr. Mohit Thakur, 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.66, dated 13.05.2021, under Section 22-C of NDPS Act, 1985, registered at Police Station Sadar Kotkapura, District Faridkot.
2. Learned counsel for the petitioner contends that the alleged recovery of 1320 tablets of *Tramadol* has been fastened upon the petitioner on account of unlawful demand of the police party especially ASI Charanjit Singh, who is threatening the family of the petitioner, which is a labour class and out of that annoyance arrayed the petitioner as an accused in the instant FIR. He also points out that Section 42 & 50 of the NDPS Act have not been complied with in letter and spirit and on the strength of the same, he submits that it is a case of false implication.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. A copy of the same has been supplied to the counsel for the petitioner. He prays for dismissal of the present petition stating that recovery of contraband is commercial in nature and the petitioner is involved in another case bearing FIR No.200 dated 06.08.2020, registered under Sections 61, 1, 14 of Excise Act at Police Station Kotbhai.

4. Heard, learned counsel for the respective parties.

5. A perusal of the custody certificate depicts that the petitioner is on production warrant in FIR No.200 dated 06.08.2020, but is not involved in any other case and in the instant case, he has suffered incarceration of 2 years, 2 months and 17 days, wherein out of total 20 prosecution witnesses, 7 stands examined, which is sufficient to convince this Court that trial will certainly take long time, no useful purpose would be served by keeping the petitioner behind the bars, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India.

6. As far as the contention of learned State counsel with regard to pendency of 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, 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.

7. In the light 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.

8. The present petition, is hereby allowed.
9. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

01.02.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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