

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62141-2023
DECIDED ON: 25.01.2024

HARPREET KAUR
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gagandeep Singh Simble, Advocate for
Mr. Sarju Puri, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG 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.171, dated 07.10.2022, under Sections 22 and 29 of NDPS Act, 1985 (Section 31 of NDPS added later on, registered at Police Station City Nawanshahar, District SBS Nagar.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and there is non-compliance of Sections 42 & 50 Act.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year, 3 months and 13 days and not involved in any other case of any nature.
4. Considering the fact that the petitioner is in custody since 11.10.2022, wherein charges were framed on 05.05.2023 and out of total 13 witnesses, only 3

stands examined, which shows that trial is likely to take long time added with the fact that the the petitioner is a person of clean antecedents, as he is not involved in any other case, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which 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.*

5. 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.
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.

25.01.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

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