

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62591-2023
DECIDED ON: 05.02.2024

DILPREET SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Karnail Singh Ahhi, 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.0323, dated 09.11.2020, under Sections 22(C), 29 of NDPS Act, 1985, registered at Police Station Kathunangal, District Amritsar.
2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and was nominated as an accused on the basis of disclosure statement of co-accused and the recovery was effected from the other co-accused persons.
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 3 years, 1 months and 7 days and is not involved in any other case of any nature.
4. Be that as it may, considering the fact that the recovery was not effected from the possession of the petitioner, who is in custody for the last 3 years,

1 months and 7 days and is not involved in any other case, which is sufficient to infer this Court that he is not a habitual offender added with the fact that conclusion of trial shall take sufficient time, no useful purpose would be served by keeping the petitioner behind the bars for an uncertain period, which would also curtail his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the basic principle of criminal jurisprudence i.e, '**Bail is a rule and Jail is an exception**'.

5. In light of the 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

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No