

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62607-2023
DECIDED ON: 26.02.2024

GURMEET SINGH
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

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.414, dated 13.11.2022, under Sections 18(C) and 29 of NDPS Act, 1985, registered at Police Station Uklana, District Hisar.
2. Learned counsel for the petitioner submits that the petitioner was nominated as an accused merely on the basis of disclosure statement of co-accused persons and recovery of contraband was not effected from his conscious possession. He further submits that the petitioner is behind bars since 18.11.2022, wherein investigation is complete and nothing is to be recovered from the possession of the petitioner.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition urging that

the petitioner is involved in one another case, therefore, does not deserve the concession of bail at least at this stage.

4. Heard, learned counsel for respective parties.

5. Be that as it may, considering the fact that no recovery has been effected from the conscious possession of the petitioner, who is behind bars for the last 1 year, 3 months and 7 days, as is evident from the perusal of custody certificate added with the fact that nothing is to be recovered from his possession, wherein investigation is complete, challan stands presented and out of total 25 prosecution witnesses, none has been examined so far after framing of charges on 14.11.2023, which is sufficient for this Court to infer that conclusion of trial shall take sufficient time, no useful purpose would be served by keeping the petitioner behind bars for an uncertain period, which would amount 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*”, 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.***

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 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.

(SANDEEP MOUDGIL)
JUDGE

26.02.2024

Meenu

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