

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64376-2023
DECIDED ON: 15.01.2024

LOVEPREET SINGH ALIAS LOVE

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, 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.78, dated 23.12.2022, under Sections 21 & 29 of NDPS Act, 1985 and Section 411 of IPC, registered at Police Station Talwandi Chaudhrian, District Kapurthala (Annexure P-1).
2. Learned counsel for the petitioner contends that if the narration of the FIR is taken to be correct, the alleged recovery of 350 grams of heroin was effected from an open seat of the motorcycle and not from the physical/conscious possession of the petitioner. He also asserts that the said motorcycle does not belong to the petitioner as being matter of fact, he was not even arrested from the spot and the alleged recovery has been planted upon him. He has further placed reliance upon an order dated 21.07.2023 (Annexure P-4) passed by a co-ordinate Bench of this Court in CRM-M-15907-2023, whereby the co-accused namely Jaspal Singh has already

been granted the concession of anticipatory bail from whom the alleged drug money i.e., Rs.1,00,000/- has been recovered.

3. Learned State counsel has filed the custody certificate of the petitioner, the same is taken on record. According to the custody certificate, the petitioner is behind the bars for the last 1 year and 16 days and is not involved in any other case of any nature.

4. Be that as it may, considering the fact that the alleged contraband was not recovered from the conscious/physical possession of the petitioner and he has already suffered incarceration of 1 year and 16 days; added with the fact that trial will certainly take long time as after presentation of challan on 02.06.2023, even the charges have not yet been framed and the petitioner is a person of clean antecedents, as he is not involved in any other case, therefore, no useful purpose would be served by keeping the petitioner behind the bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India.

5. In the light of above, 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

15.01.2024

Meenu

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