

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64447-2023
DECIDED ON: 05.01.2024

AMARPREET SINGHPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Samriti Singh, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, 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.29, dated 28.01.2019, under Section 22 of NDPS Act, 1985, registered at Police Station Lopoke, District Amritsar.
2. Learned counsel for the petitioner contends that its a case of false implication wherein the recovery of 75 tablets has been planted upon the petitioner that too alleging the same to be a chance recovery. Another assertion on behalf of the petitioner has been raised to contend that there is non-compliance of Section 50 of NDPS as at the time of search conducted by the police team, no offer was made to the petitioner for getting the search conducted from a Gazetted Officer or from any Illaqa Magistrate.
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 bars for the last 6 months and 5 days and was declared proclaimed offender

on 05.01.2023 and thereafter was arrested on 31.07.2023 and till date he is in custody.

4. Looking into the totality of facts and the quantity of contraband, this Court is duly convinced that it is a non-commercial quantity and trial is likely to take long time, as challan was presented on 25.11.2020, but the charges are yet to be framed, no fruitful 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 and is against the principle “bail is rule and jail is an exception”.

5. 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.

6. 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.

7. The present petition is hereby allowed.

8. 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

05.01.2024

Meenu

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