

CRM-M-64792-2023
DATE OF DECISION: 15.05.2024

ANGREJ SINGH **...PETITIONER**

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashish Aggarwal, Advocate for the petitioner(s).

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 59, dated 19.07.2023, under Sections 21-B, 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 25 of Arms Act added later on), registered at Police Station Sarai Amant Khan, District Tarn Taran.

2. Learned counsel for the petitioner contends that merely on the basis of suspicion the petitioner has been involved in this case and there is no recovery of intoxicant substance effected from the petitioner and there is no incriminating material to connect the petitioner with the alleged offence. The petitioner has been nominated on the basis of the disclosure statement made by co-accused-Manpreet Singh. The alleged recovery of 80 grams of Heroin is effected from the co-accused which is



CRM-M-64792-2023

-2-

also non-commercial in nature. The petitioner has been in custody for last 10 months.

3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for the last 9 months and 25 days, who is involved in other cases also, therefore, prays for dismissal of the petition.

4. Be that as it may, this Court is of the considered view that since the petitioner is behind the bars for 9 months and 25 days and as per the principle of the criminal jurisprudence, no one should be considered as guilty till the guilt is proved beyond reasonable doubt, whereas in the instant case, trial is prolonged and likely to take long time in the light of the fact that out of 16 prosecution witnesses, none has been examined and detaining the petitioner behind the bars for an indefinite period would amount to violation of Article 21 of the Constitution of India and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgement of Apex Court in "***Dataram Singh vs. State of Uttar Pradesh and another***, (2018) 3 SCC 22".

5. As far as the pendency of other cases and involvement of the petitioner in 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, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the



CRM-M-64792-2023

-3-

criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of the concession of bail.

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. 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

15.05.2024*anuradha*

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