



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-4551-2025
Date of Decision : March 19, 2025

CHATTARPAL

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. Arshdeep Singh Brar, Advocate for the petitioner.
Mr. Surinder Singh Pannu, Addl. AG,. Haryana.

SANDEEP MOUDGIL, J. (Oral)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in FIR No.352, dated 18.5.2023, under Sections 20(b)(ii)(C) (Section 27A/61/85 added lateron) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Hansi, Police District Hansi, District Hisar.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“TO, SHO POLICE STATION CITY HANSI, JAI HIND TODAY ON 18.05.2023 I, MYSELF ASI HEMRAJ NO. 1703/RTK HARYANA STATE NARCOATICE CONTROL BUREAU UNIT HISAR ALONGWITH FELLOW EMPLOYEES EASI SANJAY KUMAR NO. 364/ HISAR HC VIKRANT NO. 218/HISAR CONSTABLE RAJBIR NO. 221/DADRI IN THE GOVT VECHILE BEARING NO. HR 05 GV 2751 MARKA ISUZU WHOSE DRIVER PARMOD NO. 5/688 HAP WERE PRESENT IN THE AREA OF HANSI TO

LALPURA ROAD NEAR SHANI MANDIR FOR THE PURPOSE OF CRIME DETECTION OF NARCOATICS SUBSTANCE AT THAT TIME SECREAT INFORMER MET AND MADE THE INFORMATION THAT VISHWASH SON OF KAMAL DAAS RESIDENT OF SISAI PULL HANSI AND CHATAR PAL SON OF JUNA RESIDENT OF VILLAGE SULCHANI DISTRICT HISAR COMING WITH GANJA IN PLASTIC BAG TOWARDS THE SIDE OF LALPURA ON MOTORCYCLE BEARING NO. HR 21 L 1223 MARKA SPLENDOUR PLUS, IF IMMEDIATE NAKABANDI WOULD BE CONDUCTED THEN HE MAY BE APPRHEENDED WITH THE HEAVY QUANTIT OF GANJA THE INFORMATION GIVEN BY RELIABLE PERSON AND ITS FOUND TO BE TRUE I ASI INFORMED THE FELLOW EMPLOYEES AND REPORT U/S 42 NDPS ACT HAS BEEN PREPARED ACCORDINGLY AND BEING SENT THROUGH E VIKRANT NO. 218/HISAR TO POLICE STATION HANSI THEREAFTER I ASI WITH THE FELLOW EMPLOYEES WAS BUSY TO CONDUCT THE NAKABANDI IN GOVT VEHICLE. AFTER AWAITING SOMETIME TWO YOUNG BOYS RIDING ON MOTORCYCLE CAME 10 BE SEEN FROM THE VILLAGE LALPURA SIDE, IN BETWEEN THEM ONE PLASTIC BAG COLOUR WHITE KEPT TO BE SEEN ON THE MOTORCYCLE. WHEN THEY SAW THE POLICE-PARTY STANDING IN FRONT OF THEM THEY TRIED TO TURN BACK THE MOTORCYCLE AND RUNS AWAY FROM THERE, THEN 1 ASI WITH THE HELP OF FELLOW EMPLOYEES APPRHEENDED BOTH THE BOYS. AS PER THE INFORMATION, THE NUMBER OF MOTORCYCLE HR 21-L 1223 MARKA SPLENDOUR PLUS FOUND TO BE CORRECT. FIRSTLY, I ASI, ASKED THE NAME OF DRIVER OF MOTORCYCLE, WHO DISCLOSED HIS NAME

VISHWASH SON OF KAMAL DAAS RESIDENT OF SISAI PULL HANSI WHO WAS LIMPING, THE PERSON SITTING BEHIND THE MOTORCYCLE DISCLOSED HIS NAME CHATRPAL SON OF JUNA RESIDENT OF VILLAGE SULCHANI DISTRICT HISAR. I ASI ON THE BASIS OF SURETY ABOUT NARCOATICS HAVING BY ABOVE VISHWASH WITH HIM OR IN THE PLASTIC BAG KEPT ON MOTORCYCLE NOTICE U/S 50 NDPS ACT HAS GIVEN AS PER RULE, THAT I ASI HEMRAJ 1703/RTK IS POSTED AT HARYANA STATE NARCOATICE CONTROL BUREAU UNIT HISAR AS A INVESTIGATION OFFICER, I GAVE FULL INTRODUCTION ABOUT ME AND MY TEAM TO YOU VISHWAS SON OF KAMAL DAAS RESIDENT OF SISAI PULL HANSI, YOU VISHWAS AND CHATERPAL SON OF JUNA RESIDENT OF SULCHANI DISTRICT HISAR IS RIDING ON MOTORCYCLE BEARING NO. HR 21 L 1223 MARKA SPLENDOUR PLUS YOU ARE THE DRIVER ON MOTORCYCLE YOU BOTH ARE HAVING ONE PLASTIC BAG BETWEEN YOU ON MOTORCYCLE, IN WHICH INFORMATION HAS GOT RECEIVED ABOUT NARCOATICS SUBSTANCE, AS PER THE NDPS ACT YOU HAVE RIGHT THAT YOU AND YOUR MOTORCYCLE CAN BE SEARCHED IN PRESENCE OF GAZETTED OFFICER OR MAGISTRATE THEN HE MAY CALLED ON THE SPOT OR YOU CAN PRODUCED BEFORE THEM WITH MOTORCYCLE AND THE BAG PLASTIC IN YOUR POSSESSION, THE NOTICE READ OVER, UNDERSTAND TO YOU. SO, YOU HAVE BEEN INFORMED THROUGH THIS NOTICE AND TELL YOUR STAND, NOTICE U/S 50 NDPS ACT HAS BEEN PREPARED. ON THE NOTICE U/S 50 NDPS ACT THE ABOVE VISHWAS AND WITNESSES PUT THEIR OWN SIGNATURE. THEREAFTER THINK ABOUT SOMETIME THE ABOVE VISHVASH AND HAS WRITTEN

HIS REPLY OF NOTICE U/S 50 NDPS ACT I VISHWASH SON OF KAMAL DAAS IS RESIDENT OF SISAI PULL HANSI DISTRICT HISAR YOU AS HEMRAJ NO 1703/RTK HARYANA STATE NARCOATICS CONTROL BUREAU UNIT HISAR, GAVE ME YOUR AND YOUR TEAM FULL INTRODUCTION, I FULLY UNDERSTAND TH NOTICE U/S 50 NDPS ACT GIVEN BY YOU. I AM DRIVER O MOTORCYCLE NO. HR 21 L 1223 MARKA SPLENDOUR PLUS TH SON OF JUNA RESIDENT OF SULCHANI DISTRICT HISAR, WE BOTH OF THEM HAVING PLASTIC BAG COLOUR WHITE BETWEEN US ON THE MOTORCYCLE. WHATEVER IN OUR POSSESION IS BELONGING TO US. I WANTS TO CONDUCT MY SEARCH AND OUR MOTORCYCLE SEARCH AND BAG WHITE COLOUR LYING WITH US IN PRESENCE OF GAZETTED OFFICER CALLED ON THE SPOT SO YOU CAN CALLED ANY GAZETTED OFFICER ON THE SPOT I WRITTEN MY REPLY OF NOTICE AFTER SPEAKING YOU. YOU TOLD ME REPLY OF NOTICE AFTER READ OVER AND UNDERSTAND TO ME. REPLY OF NOTICE U/S 50 NDPS ACT HAS BEEN PREPARED, ON THE NOTICE ABOVE VISHWASH AND THE WITNESSES HAS PUT THEIR OWN SIGNATURE. THEREAFTER I ASI GAVE THE NOTICE U/S 50 NDPS ACT TO CHATRPAL WITH REGARD TO HAVE THE NARCOATICS WITH HIM AS PER RULE, I ASI HEMRAJ 1703/RTK IS POSTED AT HARYANA STATE NARCOATICE CONTROL BUREAU UNIT HISAR AS A INVESTIGATION OFFICER, I GAVE FULL INTRODUCTION ABOUT ME AND MY TEAM TO YOU CHATERPAL SON OF JUNA RESIDENT OF SULCHANI DISTRICT HISAR, YOU CHATARPAL AND VISHVASH SON OF KAMAL DASS RESIDENT OF SISAI PUL HANSI IS RIDING ON MOTORCYCLE BEARING NO. HR 21 L 1223

MARKA SPLENDOUR PLUS, YOU BOTH ARE HAVING ONE PLASTIC BAG BETWEEN YOU ON MOTORCYCLE, IN WHICH INFORMATION HAS GOT RECEIVED ABOUT NARCOATICS SUBSTANCE, AS PER THE NDPS ACT YOU HAVE RIGHT THAT YOU AND YOUR MOTORCYCLE CAN BE SEARCHED IN PRESENCE OF GAZETTED OFFICER OR MAGISTRATE THEN HE MAY CALLED ON THE SPOT OR YOU CAN PRODUCED BEFORE THEM WITH MOTORCYCLE AND THE BAG PLASTIC IN YOUR POSSESSION, THE NOTICE READ OVER, UNDERSTAND TO YOU. SO, YOU HAVE BEEN INFORMED THROUGH THIS NOTICE AND TELL YOUR STAND, NOTICE U/S 50 NDPS ACT HAS BEEN PREPARED ON THE NOTICE U/S 50 NDPS ACT THE ABOVE CHATARPAL PUT HIS LEF THUMB IMPRESSION AND THE WITNESSES PUT THEIR OWN SIGNATURE. THEREAFTER THINK ABOUT SOMETIMES THE ABOVE CHATERPAL HAS WRITTEN HIS REPLY OF NOTICE U/S 50 NDPS ACT 1 CHATERPAL SON OF JUNA IS RESIDENT OF VILLAGE SULCHANI DISTRICT HISAR YOU ASI HEMRAJ NO 1703/RTK HARYANA STATE NARCOATICS CONTROL BUREAU UNIT HISAR, GAVE ME YOU AND YOUR TEAM FULL INTRODUCTION, I FULLY UNDERSTAND THE NOTICE U/S 50 NDPS ACT GIVEN BY YOU. I WAS SEATING BEHIND ON MOTORCYCLE NO. HR 21 L 1223 MARKA SPLENDOUR PLUS WHICH WAS DRIVEN BY VISHVASH SON OF KAMAL DASS RESIDENT OF SISAI PUL HANSI DISTRICT HISAR, WE BOTH OF US HAVING PLASTIC BAG COLOUR WHITE BETWEEN US ON THE MOTORCYCLE. WHATEVER IN OUR POSSESSION IS BELONGING TO US. I WANTS TO CONDUCT MY SEARCH AND OUR MOTORCYCLE SEARCH AND BAG WHITE COLOUR LYING WITH US IN PRESENCE OF GAZETTED OFFICER CALLED ON THE SPOT. SO YOU CAN CALLED

ANY GAZETTED OFFICER ON THE SPOT I WRITTEN MY REPLY OF NOTICE AFTER SPEAKING YOU. YOU TOLD ME REPLY OF NOTICE AFTER READ OVER AND UNDERSTAND TO ME REPLY OF NOTICE US 50 NDPS ACT HAS BEEN PREPARED, ON THE NOTICE ABOVE CHATARPAL HAS PUT HIS LEFT THUMB IMPRESSION AND THE WITNESSES HAS PUT THEIR OWN SIGNATURE THEREAFTER TIME AROUND 6.30 PM AS PER THE LIST ISSUED BY DEPUTY COMMISSIONER HISAR WITH REGARD TO NDPS CASES, THE OFFICERS APPOINTED BY HIM, I ASI CONTACTED WITH MY MOBILE NO. 8708046211 TO GAZETTED OFFICER SHRI MAHIPAL B.A.O OFFICE OF B.A.O HANSI MOBILE NO. 9416244961 AND MADE REQUEST AFTER TELLING THE FACTS TO REACH ON THE SPOT, THEN HE TOLD THAT RIGHT NOW I AM IN HISAR, YOU CAN CONTACT GAZETTED OFFICER DR. SH. SUDHIR MALIK, V.S. Office G,VH HANSI ON MOBILE NO.9813121515, ON 6:33 PM I ASI CONTACTED WITH MY MOBILE NO.8708046211 TO THE GAZETTED OFFICER DR. SH. SUDHIR MALIK, V.S. OFFICE G,VH HANSI ON MOBILE NO.9813121515, THEN HE TOLD THAT I HAVE BEEN TRANSFERRED, SO I CANNOT COME THEN I ASI AGAIN CONTACTED WITH MY MOBILE NUMBER TO GAZETTED OFFICER SH. MAHIPAL, BAO, OFFICE OF BAO HANSI ON MOBILE NO.9416244961, THEN HE TOLD THAT I AM NOT HAVING THE VEHICLE, SO YOU SEND THE VEHICLE, I WILL REACH ON THE SPOT. HC VIKRANT NO.218/HISAR CAME ON THE SPOT AFTER REGISTERING THE RAPAT UNDER SECTION 42 OF NDPS ACT, ON WHICH, I, ASI SEND TO HC VIKRANT NO.218/HISAR AT HISAR IN THE GOVT. VEHICLE TO BRING THE GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB ON THE SPOT, I ASI WITH THE FELLOW EMPLOYEE IS WAITING FOR GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB AND BUSY ON THE SPOT.

AFTER AWAITED SOME TIME AT AROUND 7:55 PM GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB REACHED ON THE SPOT. ON WHICH I ASI TOLD THE FACTS AND NOTICE AND REPLY OF NOTICE UNDER SECTION 50 OF NDPS ACT HAS PRODUCED. GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB SEEN THE NOTICE AND REPLY OF NOTICE UNDER SECTION 50 OF NDPS ACT. GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB INTERROGATED TO VISHVISH AND CHATERPAL. I MADE OFFER TO GAZETTED OFFICER SH. MAHIPAL, BAO, OFFICE OF BAO HANSI TO CONDUCT THE SEARCH OF MYSELF AND MY TEAM. WHO CONDUCTED THE SEARCH OF MYSELF AND MY TEAM HIMSELF. DURING THE SEARCH NOTHING ILLEGAL THINGS OR NARCOTIC SUBSTANCE GOT FOUND WITH ME AND THE PERSONS OF MY TEAM AND MEMO OF OFFER SEARCH RECOVERY HAS BEEN PREPARED ON THE FARD THE ABOVE VISHVASH AND CHATERPAL AND WITNESSES PUT THEIR OWN SIGNATURE AND GAZETTED OFFICER SH. MAHIPAL, BAO, SAHIB VERIFIED THE FARD MEMO OF OFFER SEARCH RECOVERY, THEREAFTER SH. MAHIPAL, BAO, SAHIB IN PRESENCE OF HIMSELF, I ASI DIRECTED TO CONDUCT THE SEARCH OF VISHVASH AND CHATERPAL AND THE BAG PLASTIC AND MOTORCYCLE HAVING BY THEM IN THEIR POSSESSION AS PER RULE I REQUESTED THE PERSONS PASSERBY ON THE SPOT TO JOIN THE PROCEEDINGS BUT ALL LEFT FROM THE SPOT BY TELLING THEIR INABILITY AND LEFT FROM THE SPOT THEN I IASI CONDUCTED THE SEARCH OF THE PERSONS VISHWASH, CHATERPAL, MOTORCYCLE AND PLASTIC BAG. THEN FROM THE PLASTIC BAG COLOR WHITE THE NARCOTIC SUBSTANCE GANJA WAS RECOVERED. THE RECOVERED GANJA MIXED IN TIRPAL AND PUT BACK IN THE SAME PLASTIC BAG AND WEIGHED WITH THE COMPUTER KANTA THEN THE WEIGHT OF PLASTIC BAG ALONG WITH NARCOTIC SUBSTANCE GANJA FOUND 20 KG 800 GRAMS. THE PULINDA OF PLASTIC BAG GANJA HAS BEEN PREPARED. PULINDA OF BAG

PLASTIC OF NARCOTIC SUBSTANCE GANJA AND SAMPLE SEAL WAS SERVE/SEAL WITH MY OWN SEAL HR/3, THEREAFTER SH. MAHIPAL BAO SAHIB HAS ALSO SERVE/SEAL THE PULINDA OF BAG PLASTIC NARCOTIC SUBSTANCE GANJA WITH HIS OWN SEAL SK/1. THE PULINDA OF PLASTIC BAG OF NARCOTIC SUBSTANCE GANJA WITH SAMPLE SEAL AND MOTORCYCLE NO.HR21 L 1223 MARKA SPLENDOR PLUS HAVE BEEN TAKEN INTO POLICE POSSESSION FOR THE PURPOSE OF EVIDENCE THROUGH PROPERTIES SEIZURE MEMO. ON THE PROPERTIES SEIZURE THE ABOVE PERSON VISHVASH PUT HIS THUMB IMPRESSION AND PERSON CHATERPAL AFFIXED HIS LEFT THUMB IMPRESSION AND WITNESSES ALSO PUT THEIR OWN SIGNATURE. I AFTER USED THE SEAL HANDED OVER FOR KEPT SAMPLE TO ESI SANJAY KUMAR NO.364/HISAR, GAZZETED OFFICER SH. MAHIPAL BAO SAHIB VERIFIED THE PULINDA OF PLASTIC BAG OF NARCOTIC SUBSTANCE GANJA ALONGWITH SEMPLE SEAL AND PROPERTY SEIZURE MEMO, HE AFTER USED THE SEAL KEPT WITH HIM. THE ACCUSED VISHVASH AND CHATERPAL HAS COMMITTED OFFENCE UNDER SECTION 20 B (II) C-61-85 OF NDPS ACT BY KEEPING THE BAG PLASTIC TOTAL WEIGHT 20KG 800 GRAMS GANJA ON MOTORCYCLE NUMBER HR21L1223 WHICH WAS IN THE POSSESSION, SO TEHRIR IS BEING SENT THROUGH EASI SANJAY KUMAR NO.364/HISAR TO THE POLICE STATION FOR REGISTRATION OF THE CASE AFTER REGISTRATION THE SAME BE INTIMATED WITH THE FIR NUMBER. THE SECOND INVESTIGATION OFFICER MAY KINDLY BE CALLED ON THE SPOT AND SPECIAL REPORT OF THE CASE BE SENT TO HIGHER OFFICER AND ILLAQUA MAGISTRATE. 1, ASI

ALONGWITH FELLOW EMPLOYEE AND ACCUSED VISHVASH AND CHATERPAL ALONGWITH CASE PROPERTY IS BUSY ON THE SPOT. TODAY HANSI TO LALPURA ROAD NEAR SHANI MANDIR. JURISDICTION OF AREA HANSI. SD/- HEMRAJ ASI. HEMRAJ NO 1703/RTK HARYANA STATE NARCOATICS CONTROL BUREAU UNIT HISAR DATED 18.05.2023 AT 9:20 PM MOBILE NO.8708046211.”

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case on the basis of disclosure statement of co-accused, namely, Vishwas, who was apprehended at the spot. He would further submits that co-accused, namely, Prem has been granted the concession of regular bail by this Court vide order dated 2.12.2023 passed in CRM-M-43165-2023 and claims parity.

On behalf of the State

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition on the ground that the petitioner has actively participated in the crime.

4. Analysis

Be that as it may, considering the custody period i.e. 1 year, 9 months and 29 days for which the petitioner has suffered incarceration; co-accused namely Prem has already been granted the concession of regular bail by this Court vide order dated 2.12.2023 passed in CRM-M-43165-2023,

challan stands presented to Court on 9.11.2023, charges have been framed on 21.12.2024 and total 33 prosecution witnesses are cited, however, none has been examined so far, which is suffice for this Court to infer that the conclusion of trial will take long time for which the petitioner cannot be detained behind the bars for an indefinite period.

Reliance can be placed upon the judgment of the Apex Court rendered in “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) ***R.C.R. (Criminal) 131***, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by

this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.

5. To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for

remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in In Re-Inhuman Conditions in 1382 Prisons, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658

6. The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nikesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in Nagendra v. King-Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.

7. However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”

Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

5. DECISION:

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on him furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

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

March 19, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No