

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No. 40489 of 2018
Date of Decision:-12.09.2019**

Pardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Pardeep Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 07 dated 07.2.2018, under Sections 21,25,29 of NDPS Act, registered at Police Station Sarai Amanat Khan, District Tarn Taran.

The case of the prosecution is that on 07.2.2018, on the basis of secret information, a barricade was laid, where a motor-cycle without having number plate was seen coming towards village Cheema Kalan, however the occupants of the vehicle made an attempt to escape from there but they were apprehended by the police party. It has been further alleged that co-accused Supandeep Singh was driving the vehicle whereas the petitioner Pardeep Singh was a pillion rider and on his personal search, 255 grams of heroin was got recovered from the right pocket of his trouser.

Learned counsel for the petitioner contends that 255 grams of

heroin was recovered from the possession of the petitioner, which is marginally above the non-commercial quantity i.e. 250 grams. He further submits that the petitioner is not involved in any other case and the weight of the contraband also carries the weight of the polythene bag. According to him the trial is progressing slowly as only three witnesses have been examined so far out of total 16. He submits that the petitioner is in custody since his arrest on 07.2.2018. According to him the co-accused has already been released on regular bail by this Court vide order dated 30.8.2018 (Annexure P-2).

On the other hand, learned State counsel, who is assisted by ASI Balbir Singh, opposed the prayer. However, the factual aspect is not disputed. He further submits that the charges were framed on 01.8.2018 and only three witnesses have been examined by the prosecution so far out of total 16.

Considering the above background of the case and the fact that trial will take considerable time, therefore, further detention of the petitioner is not justified. Resultantly, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Tarn Taran.

The petition is allowed.

September 12, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No