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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25697-2019
Date of decision-28.11.2019

Parminder Singh @ Nishu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishabh Gupta, Advocate for
Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Parminder Singh @ Nishu has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.47 dated 19.06.2018 registered under Sections 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Rajpura District Patiala. The petitioner is in judicial custody since his arrest on 19.06.2018.

As per the prosecution case, on 19.06.2018, when the police party was on patrol duty at Near Government School, Mirzapur, Rajpura, then one motorcycle bearing No.PB-13-BB-4606 was seen. Two persons were riding the same. On seeing the police, they tried to run away. On suspicion, they were apprehended and after following the procedure, search was conducted and 60 grams intoxicant powder (containing Diphenoxylate Hydrochloride) recovered from them.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has invited the attention of the Court to the order dated 08.03.2019 (Annexure P-2) passed by this Court whereby concession of regular bail has already been extended to the co-accused. He further submits that trial of case will take time as out of total 12 prosecution witnesses, only six witnesses have been examined so far. Petitioner is in custody since 19.06.2018, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by ASI Gurjit opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time as the prosecution is yet to examine its remaining witnesses, therefore, further custody of the petitioner may not be 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 concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

28.11.2019

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Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No