

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

**CRM-M No. 33129 of 2019
Date of Decision:-31.10.2019**

Satish Kumar @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Satish Kumar @ Kala has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 261 dated 21.12.2018, under Section 22 of NDPS Act, registered at Police Station Canal Colony, Bathinda. The petitioner is in custody since his arrest on 21.12.2018.

As per prosecution case, on 21.12.2018 the accused Satish Kumar @ Kala, Soni Kumar and Gagandeep Singh @ Gogan were apprehended while having in conscious possession of 74 vials of Wincirex, each containing 100 ml and 46 strips of Carisoma tablets, each strip

containing 10 tablets i.e. total 460 tablets by the police party, while they were carrying the same in Active Scooter No.PB03AF-4449.

Learned counsel for the petitioner contends that the alleged bag, from where the contraband was recovered was lying on a parked scooter bearing No.PB-03-AF-4449. He submits that though the investigation of the case is complete, however, it has not been ascertained that , who was the owner of that scooter. Learned counsel further contends that the charges were framed on 30.3.2019 and no witness has been examined so far. According to him, further custody of the petitioner may not be justified, particularly when he is not involved in any other case muchless of similar nature.

On the other hand, learned State counsel, who is assisted by ASI Kulwant Singh has opposed the prayer on the ground that the contraband recovered are both in commercial quantity. However, it is not disputed that the ownership of the scooter was not looked into. He submits that the bag was lying on the vehicle and all the three accused persons looking into it. He fairly states that the case was taken up on five dates after framing of charges, however, the prosecution is yet to examine its witnesses.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody may not be justified. Therefore, 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, Bathinda.

The petition is allowed.

October 31, 2019

Vijay Asija

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No