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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47985-2019

Date of Decision: 18.11.2019

Soni Kumar

.. Petitioner

Vs.

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.

Petitioner Soni Kumar has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in a case FIR No.261 dated 21.12.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Canal Colony, Bathinda, District Bathinda. The petitioner is in custody since his arrest 21.12.2018.

As per prosecution case, on 21.12.2018 accused Satish Kumar @ Kala, Soni Kumar and Gagandeep Singh @ Gagan were apprehended by the police party while having found 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, carrying the same on Activa Scooter No.PB03AF-4449.

Learned counsel for the petitioner submits that the co-accused of the petitioner, namely, Satish Kumar @ Kala has been released on regular bail by this Court vide order dated 31.10.2019 (Annexure P-2). He further

contends that further custody of the petitioner may not be justified, particularly when he is not involved in any other case. He 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, yet the ownership of the scooter has not been proved by the prosecution.

On the other hand, learned State counsel assisted by ASI Kailash opposed the prayer on the ground that the recovered quantity falls within the ambit of commercial quantity, however, it is not disputed that the concession of regular bail has been granted to co-accused Satish Kumar @ Kala. It is also not disputed that the ownership of the scooter is not looked into.

After hearing learned counsel for the parties, this Court is of the opinion that 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. 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, Bathinda.

The petition is allowed.

18.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No