

221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1237-2020

Date of decision-13.02.2020

Pawan Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Pratab Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Pawan Kumar has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.47 dated 11.08.2019 registered under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Taragarh, Tehsil and District Pathankot. The petitioner is in custody since his arrest on 11.08.2019.

The FIR was registered on the basis of secret information to the effect that accused Pawan Kumar (petitioner) and Vijay Kumar being involved in the business of intoxicant material were coming on a motor cycle bearing No. PB-06-AE- 3988 from Dina Nagar side along with intoxicant capsules. Thereafter, checking of vehicles was started and accused were apprehended. Upon search, 500 intoxicant capsules were recovered from accused Vijay Kumar, whereas from the possession of co-accused Pawan Kumar, 1100 capsules were recovered.

Learned counsel for the petitioner contends that the investigation of the case is complete and challan stands filed on 17.12.2019 and the charges are yet to be framed. Therefore, further custody of the petitioner is not required. He has further invited the attention of the Court to the order dated 22.01.2020 passed in CRM-M-52447-2019 by this Court, whereby concession of regular bail has already been granted to co-accused-Vijay Kumar.

On the contrary, learned State counsel assisted by ASI Joginder Singh has opposed the prayer, however, it is not disputed that case of the petitioner is at par with co-accused, namely, Vijay Kumar who has been granted the concession of regular bail by this Court. He has further apprised the Court that the case is fixed for 17.02.2020 before the trial Court for framing of charge.

Considering the above background and custody of the petitioner, this Court does not find any reason to further detain the petitioner behind the bars as the trial is likely to consume considerable time. 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.

13.02.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No