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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1672-2020

Date of decision-22.01.2020

Jatinder Kumar @ Jinder

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.K. Mehta, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Jatinder Kumar @ Jinder has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.254 dated 17.10.2018 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 181, 192, 196 and 190 (2) of Motor Vehicle Act, 1988 at Police Station Samrala, District Ludhiana. The petitioner is in custody since his arrest on 17.10.2018.

As per the prosecution case, on 17.10.2018, when the Police party was on patrol duty at village Khamnon, at about 8.40 p.m., then two boys riding on motorcycle (bearing No.PB-32-L-2469), were seen coming from side of Khamnon and the vehicle was signalled to stop. The driver of the motorcycle was carrying a backpack of black colour whereas the pillion

rider was holding a black colour bag on his thighs. On seeing the police, they tried to run away and on suspicion, they were apprehended. Upon search, 48 injections of Buprenorphine and 20 vials injection of 10 ml each were recovered from Jatinder Kumar (petitioner) whereas 64 injections of Buprenorphine and 22 vials injections of 10 ml each were recovered from pillion rider i.e. his co-accused-Lakhvir Singh.

Learned counsel for the petitioner contends that the investigation of the case is complete and challan was filed on 14.03.2019. He further submits that the trial is not making any headway as no prosecution witness has been examined till date. It is pointed out that the charges were framed on 14.12.2019. According to him, further custody of the petitioner may not be justified as the petitioner is not involved in any other case.

On the other hand, learned State counsel assisted by ASI Rajinder Singh opposed the prayer on the basis of contraband recovered from the possession of the petitioner. However, it is not disputed that the investigation of the case is complete, and also that petitioner is not involved in any other case. She has apprised the Court that case is fixed for 27.01.2020 before the trial Court for examination of the prosecution witnesses.

Considering the custody period of the petitioner and the pace at which the trial is progressing, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the

petitioner is ordered to 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

22.01.2020

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No