

219 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-50814-2019  
Date of decision-12.02.2020

Jawala Parshad

....Petitioner

Vs.

State of Haryana

...Respondent

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Ms. Anamika Mehra, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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**MANOJ BAJAJ, J.**

Petitioner-Jawala Parshad has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.452 dated 02.11.2018 registered under Section 21-B of Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City, Mandi Dabwali, District Sirsa. The petitioner is in custody since his arrest on 02.11.2018.

As per the prosecution case, on 02.11.2018, when the Police party was on patrol duty under the over bridge near Sukhdev Singh Hospital, Malout Road, Dabwali, then two boys riding on motorcycle (without number plate), were seen coming and the vehicle was signalled to stop. The pillion rider of the motorcycle (petitioner) was holding a white colour polythene. On seeing the police, they tried to run away, however, the pillion rider fell down and apprehended whereas the driver of the vehicle managed to escape. Upon search, total 1200 tablets of Tramadol (weighing 452 grams) were

recovered from pillion rider i.e. Jawala Parshad (petitioner).

Learned counsel for the petitioner contends that the petitioner was a pillion rider and was holding the alleged polythene bag wherein the contraband was contained. She submits that as per the FIR itself, the said polythene belonged to the driver of the motorcycle, namely, Sonu who ran away from the spot and was arrested later on 08.12.2018. She submits that the motorcycle used in crime was also recovered from the co-accused. According to her, the petitioner is not involved in any other case and the trial has not made any headway as no witness has been examined by the prosecution after framing of the charges on 30.06.2019. It is prayed that the petitioner be released on regular bail.

On the contrary, learned State counsel assisted by ASI Amarpal opposed the prayer, however, it is not disputed that the petitioner is not involved in any other case.

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.

**12.02.2020**

vanita

**(MANOJ BAJAJ)**  
**JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No