

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: November 22, 2021

1. CRM-M-311-2021

Gurdit Singh alias Vishal

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-41853-2021

Satyam Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Inderjit Sharma, Advocate,
for the petitioner in CRM-M-311-2021.

Mr.Amaninder Preet, Advocate,
for the petitioner in CRM-M-41853-2021.

Mr.Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.139 dated 07.11.2020, under Sections 22 and 29 N.D.P.S.Act, 1985 (Section 29 added later on), registered at Police Station, Sadar Kotkapura, District Faridkot. Petitioner Gurdit Singh @ Vishal is in custody since his arrest on 07.11.2020, whereas petitioner Satyam Kumar is in custody since 23.12.2020.

As per the FIR, on 07.11.2020 when Constables Beant Singh and Kulwinder Singh were on patrolling duty and were about to take turn from village Harino River Bridge towards link road Matta, then one Hindu gentleman was seen coming on a Motorcycle from village Matta, who on seeing them, suddenly tried to stop the motorcycle and turned backwards, but the motorcycle stopped. A black colour polythene bag was seen hanging on the handle of motorcycle. The accused was apprehended, who on inquiry disclosed his name as Gurdit Singh alias Vishal. On checking of polythene bag, 1500 tablets of NRx Tramadol Hydrochloride I.P. 100 mg. and Clovil-100 SR were recovered without any permit or licence.

Learned counsel for petitioner-Gurdit Singh @ Vishal has argued that the petitioner is in custody for a long time and till date, only five prosecution witnesses have been examined and conclusion of trial will take considerable time. According to him, the petitioner is not involved in any other case, therefore, his further custody may not be necessary. He prays for bail.

Learned counsel for accused Satyam Kumar has argued that, in fact, no contraband was recovered from the petitioner, who was indicted on the basis of the disclosure statement made by accused Gurdit Singh, therefore, his further custody may not be necessary. He also prays for bail.

On the other hand, learned State counsel, assisted by ASI Swaran Singh, has opposed the prayer and submitted that the recovered contraband falls within the ambit of commercial quantity. He has further produced the custody certificates of the petitioners by way of affidavit of Rajiv Kumar Arora, PPS, Additional Superintendent, Central Prison, Faridkot. He states that in all there are fifteen witnesses, but only five have

been examined so far. He further submits that petitioner Gurdit Singh is not involved in any other case, however, according to him, petitioner Satyam Kumar is involved in other case of similar nature. He does not dispute this fact that no contraband was recovered from him.

After hearing the learned counsel for the parties, considering their period of custody and the fact that the trial is likely to consume considerable time to conclude, the further detention of the petitioners behind the bars may not be necessary. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Faridkot.

November 22, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No