

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc.-M No.344 of 2021

Date of Decision: August 27, 2021

Prem Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.P.Bhandari, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.99 dated 07.05.2020, under Sections 21-A, 27-A N.D.P.S.Act, 1985, Sections 188, 269 IPC, 1860 and Section 51(b) Disaster Management Act, 2005, registered at Police Station, City Ratia, District Fatehabad, who is in custody since his arrest on 15.10.2020.

As per the FIR, on 07.05.2020, when ASI Kailash Chander along with other police officials was present at Fatehabad-Ratia Road, T-point Bharpur for patrolling, a young boy was seen coming from the side of village Bharpur on foot, who on seeing the police party turned back and starting walking briskly. He was apprehended on suspicion and on search, 05 grams of heroin was recovered from his possession.

Learned counsel for the petitioner has argued that the alleged contraband (5 grams of heroin) was recovered from the co-accused of the petitioner, namely, Bittu Ram, who was arrested on the spot and on his

disclosure statement, the petitioner was implicated in this case and was arrested on 15.10.2020. He submits that co-accused Bittu Ram has already been released on bail and the investigation is complete, therefore, his custody may not be necessary and prays for bail.

On the other hand, learned State counsel, assisted by ASI Rajender Singh, has not disputed the above aspect, but has pointed out that the petitioner is also involved in FIR No.196 dated 14.09.2020, under Sections 22-C and 27-A N.D.P.S.Act, Police Station, City Ratia, District Fatehabad and 880 tablets of Tramadol were recovered from his possession. It is also not disputed that the trial in this case is yet to commence and the co-accused of the petitioner is on bail.

After hearing the learned counsel for the parties, considering the custody of the petitioner and the fact that the co-accused of the petitioner has already been released on regular bail, this court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 15.10.2020. Further, the trial is yet to commence and it may take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and 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/CJM/Duty Magistrate, Fatehabad.

August 27, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No