

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

Criminal Misc.-M No. 1418 of 2021
Date of Decision: March 17, 2021

Rajinder Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl.A.G.Punjab.

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.20 dated 01.08.2018, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Patara, District Jalandhar. The petitioner is in custody since his arrest on 01.08.2018.

As per prosecution, 1564 intoxicant tablets were recovered from Rajinder Masih (petitioner) and his three co-accused.

Learned counsel for the petitioner contends that the prosecution has examined only three witnesses out of total ten witnesses and the trial is likely to consume considerable time to conclude. According to him, the petitioner is not involved in any other case of similar nature. He has produced the copy of the order dated 09.02.2021, whereby co-accused, namely, Dimple Kumar @ Dimple has already been released on regular bail by this Court. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Jaspal Singh, on the ground that in all, 1564 intoxicating tablets/capsules were recovered from the vehicle owned by co-accused. He has filed the custody certificate by way of affidavit of Baljit Singh, PPS, Superintendent, Central Jail, Kapurthala, which indicates that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the fact that similarly situated 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 01.08.2018. Further, the prosecution is yet to examine its remaining witnesses and it may take considerable time to conclude the trial.

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/Duty Magistrate, Jalandhar.

March 17, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No