

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: November 08, 2021

1. CRM-M-3262-2021

Mani

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-35633-2021

Neeraj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

3. CRM-M-20091-2021

Lavlesh Pal @ Lavlaishpal @ Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Siddharth Gupta, Advocate,
for the petitioner in CRM-M-3262-2021.

None for the petitioners in CRM-M-35633 & 20091 of 2021.

Mr.Ramandeep Sandhu, Sr.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

27.06.2020, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Canal Colony Bathinda, District Bathinda, who are in custody since their arrest on 27.06.2020.

The contents of the FIR, as noticed by the Judge, Special Court, Bathinda in his order dated 01.12.2020, while dismissing the regular bail of accused Mani, are as under:-

“As per the story of the prosecution, 27.6.2020, a police party headed by ASI Gurbinder Singh was going from Thandi Sarak towards Chandigarh Road, Bathinda. When the police party reached near Street No.2, Chandigarh Road, they noticed three persons sat in a vacant plot, searching something in the polythene bag. They were apprehended on the basis of suspicion. On inquiry, they disclosed their names as Lavleshpal @ Pal s/o Barsati Lal, r/o Street No.3/4, Backside Duggal Palace, Arjan Nagar, Bathinda, second disclosed his name as Neeraj Kumar s/o Dinesh Kumar, r/o House No.31427, Street No.10, Paras Ram Nagar, Bathinda and the third disclosed his name as Mani son of Nachhattar Singh, r/o House No.30497, Jogi Nagar, Bathinda. From the polythene recovered from the accused, 150 boxes containing 10 tablets of Clovidol-100 SR each were recovered, out of which 120 strips were bearing batch no.TVD-20139 and 30 strips were bearing batch No.TVD-20154.”

Mr.Siddharth Gupta, learned counsel appearing on behalf of petitioner Mani has argued that as per prosecution, the petitioners were apprehended with 1500 intoxicant tablets at midnight while they were sitting in the vacant plot, and the said accusations seem to be highly improbable as no other article was recovered from the petitioners. According to him, there was no reason for the accused to search anything in polythene bag, who have been falsely implicated in this case. He has argued

that the investigation of the case is complete and after filing of final report on 21.12.2020, the charges were also framed on 15.01.2021, but no prosecution witness has been examined so far. He prays for regular bail.

On the other hand, learned State counsel, assisted by ASI Iqbal Singh, does not dispute the factual aspect and states that in all there are twelve prosecution witnesses and no one has been examined so far. He further states that the case is coming up for recording the prosecution evidence on 02.12.2021. He has also produced the respective custody certificates of the petitioners, which indicate that they are not involved in any other case of similar nature.

After hearing the learned counsel for the parties, considering the above background as well as the pace at which the trial is progressing, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak. Admittedly, the petitioners are not involved in any other case and the material prosecution witnesses are police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioners behind the bars would not serve any useful purpose.

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, Bathinda.

November 08, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No