

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

Criminal Misc.-M No.2872 of 2020 (O&M)
Date of Decision: March 03, 2021

Harjit Ram @ Jeeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Goel, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, 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.60 dated 07.07.2018, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Banaur, District S.A.S.Nagar, Mohali. The petitioner is in custody since his arrest on 07.07.2018.

As per the allegations in the FIR, on 07.07.2018 at about 1.00 p.m., when ASI Sukhdeep Singh along with other police officials was present near Toll Tax Barrier, Banur, a Hindu gentleman, who was carrying a plastic bag in his hand along with one lady, was seen coming from Tepla side, who on seeing the police party tried to turn back. They were apprehended on suspicion. Upon search, 10800 intoxicant tablets (Lomotil), 264 intoxicant capsules (SPASMO PROXIVON) and 525 intoxicant tablets

(Becalm) were recovered from their conscious possession.

Learned counsel for the petitioner contends that the charges in this case were framed on 22.04.2019 and till date, only one prosecution witness has been examined out of total thirteen witnesses. He submits that further custody of the petitioner may not be necessary, particularly when his co-accused has already been released on bail. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Ram Krishan, on the ground that the recovered contraband would fall within the ambit of commercial quantity. He submits that the petitioner was holding a bag, whereas the co-accused (wife of the petitioner) was accompanying him, therefore, the case of the petitioner is distinguishable. He has further produced the custody certificate of the petitioner, which indicates that he has undergone the custody of two years and seven months and no other case of similar nature is pending against him. Learned State counsel has not disputed this fact that the sole witness examined so far testified before the trial court in the year 2019 and thereafter no witness has been examined.

After hearing the learned counsel for the parties, considering the custodial period of the petitioner and pace of trial, this court finds that the further detention of the petitioner, who is presently confined in judicial custody after his arrest on 07.07.2019, may not be necessary for any useful purpose as the trial is likely to consume considerable time to conclude. Further, the material witnesses are police officials and 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 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, S.A.S.Nagar (Mohali).

March 03, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No