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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4516-2021

Date of Decision: 05.02.2021

Resham Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. 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.149 dated 12.08.2019 registered under Sections 21, 22 and 25 NDPS Act, 1985 at Police Station Dakha Sardar, District Ludhiana (Rural). The petitioner is in custody since his arrest on 12.08.2019

The FIR in the present case was registered on the basis of secret information that accused Manjit Kaur, Resham Singh (petitioner) and Jagdish Singh are residing in rented accommodation at Lakhpat Rai Da Makan, Chaudharian Wali Gali, Ward No.9, Old Mandi Mullanpur and are engaged in selling intoxicant substances. According to information, if a raid is conducted at the house of above persons, then they can be apprehended with heavy quantity of heroin and intoxicant medicines. On the basis of the said information, raid was conducted and the above said accused were apprehended with 100 grams of heroin and 750 intoxicant tablets containing the salt Tramadol.

Learned counsel for the petitioner has argued that as per prosecution, the contraband was lying beneath the driver seat of the truck and the petitioner was driving the said vehicle. He has further contended that the co-accused of the petitioner, who was travelling in the vehicle with him has been released on bail vide order dated 22.01.2021. According to him, the investigation of the case is complete, therefore, the further custody of the petitioner may not be justified. He prays for bail during pendency of the trial.

On the other hand, learned State counsel assisted by ASI Darshan Singh has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He, on instructions, states that there are, in all 13 prosecution witnesses, but none has been examined so far. He has produced the custody of the petitioner by way of affidavit of Satnam Singh, PPS, Deputy Superintendent, Central Prison, Ludhiana, which indicates that he is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 18.02.2020, but the trial is yet to commence, as no prosecution witness has been examined till date. The material prosecution witnesses are police officers and there does not seem any possibility of their being won over. Apart from it, the petitioner is presently confined in judicial custody after his arrest on 12.08.2019, who is admittedly not involved in any other case, much less of similar nature and, therefore, his further custody would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds

to the satisfaction of the trial Court/Duty Magistrate Ludhiana.

The petition is allowed.

05.02.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No