

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No. 4301 of 2020

Date of Decision: March 18, 2021

Avtar Singh @ Tari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Arti Kaur, Advocate,
for the petitioner.

Mr. Rana Harjasdeep 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.48 dated 04.04.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, City-Nawanshahr, District S.B.S.Nagar. The petitioner is in custody since his arrest on 04.04.2019.

As per prosecution, on 04.04.2019, the police party was present at Chandigarh Chowk, Nawanshahr for patrolling and checking of suspicious persons. They received a secret information that Lalli Ram alias Lalli along with Avtar Singh alias Tari, who do the work of selling intoxicant injections, are present at Fatti Basta Chowk, Nawanshahr and are waiting for customers. Acting upon the said information, they were apprehended on suspicion and 20 injections of Buprenorphine each were recovered from them.

Learned counsel for the petitioner contends that the petitioner, who is in custody for a long period, is not involved in any other case of similar nature and the trial is likely to consume considerable time to

conclude as only two prosecution witnesses have been examined so far out of total eleven witnesses. She prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Ashok Kumar. He has filed the custody certificate by way of affidavit of Satnam Singh, PPS, Deputy Superintendent, Central Prison, Ludhiana, which indicates that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the trial is likely to consume considerable time to conclude as only two prosecution witnesses have been examined so far and the petitioner is not involved in any other case, much less of similar nature, therefore, considering the above background and the custodial period of the petitioner, 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 04.04.2019. Further, all the 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.B.S.Nagar.

March 18, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No