

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.5343 of 2020
Date of Decision: February 05, 2021

Ravinder Singh @ Joku

...Petitioner

Versus

The State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dhruv Gupta, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

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.50 dated 08.04.2019, under Sections 15 and 25 and 29 (added later on) N.D.P.S.Act, 1985, registered at Police Station, Shahzadpur, District Ambala. The petitioner is in custody since his arrest on 27.05.2019.

As per the allegations in the FIR, on 08.04.2019, the police party received a secret information that a Tata Super Ace bearing registration No.HR-37-D-0485 loaded with heavy quantity of poppy husk would be coming from the side of Patwi and Karambir @ Kala, Rinku Rana @ Jonny and Ashwani Gupta @ Jonny are involved in the supply of narcotics. The vehicle was intercepted by the police officials, who arrested two persons Karambir and Ashwani, whereas the person sitting at the back

side of the vehicle escaped from the spot and his name was disclosed as Rinku Rana by the co-accused. Upon search of the vehicle, 13 plastic bags containing 40 kgs. each of poppy husk were recovered from the said vehicle.

Learned counsel for the petitioner contends that the contraband (5 quintals 20 kgs.) poppy-husk was recovered from a vehicle and two accused persons, namely, Karambir and Ashwani Gupta were arrested on the spot. He has pointed out that the third person, who was travelling with them had escaped and was identified as Rinku Rana. Learned counsel has argued that the petitioner was neither named in the secret information nor was present when the alleged recovery was made and was added as an accused later-on on the disclosure statement of the co-accused. He submits that the trial is yet to commence and, therefore, his further custody may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Raj Pal, on the ground that the recovered contraband would fall within the ambit of commercial quantity and the petitioner is involved in another case of similar nature. However, it is not disputed by him that the final report was filed on 17.09.2019 and the charges have been framed only on 04.02.2021.

At this stage, learned counsel for the petitioner has contended that the case set up by the prosecution against the petitioner is comparatively based on a weak evidence and, therefore, his further custody in the present case would not be justified.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 04.02.2021, but the trial is yet

to commence. Apart from it, the petitioner is presently confined in judicial custody after his arrest on 27.05.2019, therefore, his further custody would not serve any useful purpose. The material prosecution witnesses are police officers and there does not seem 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, Ambala.

February 05, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No