

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.5651 of 2020
Date of Decision: February 15, 2021

Rajender Singh @ Raju @ Rajinder Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Navneet Jindal, 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.504 dated 12.08.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Sirsa City, District Sirsa. The petitioner is in custody since his arrest on 12.08.2019.

As per FIR, on 12.8.2019 when the police party was on patrolling duty and moving from City Sirsa to village Kelnia, two boys were noticed near Shamshabad Patti, Sirsa and after noticing the police party ahead, they tried to turn back their motor-cycle in order to run away. But due to change of motion, the engine of the bike was stopped and both the accused were apprehended. During inquiry, the driver of the motor-cycle disclosed his name as Raju Singh son of Sadhu Singh, whereas pillion rider disclosed his name as Rajender Singh @ Raju son of Mukhtiar Singh. On

search of the bag, which was hanging on handle of motor-cycle, 600 intoxicated capsules were recovered. On interrogation, both the accused disclosed that the said contraband was purchased from Balbir alias Baba.

Learned counsel for the petitioner contends that though the investigation of the case is complete as the challan was filed on 03.02.2020, but till date charges have not been framed. He submits that the co-accused of the petitioner, namely, Balbir Singh @ Baba has already been released on bail vide order dated 06.11.2019 passed in CRM-M-46618 of 2019. According to him, the petitioner is not involved in any other case of similar nature, therefore, considering his custodial period, he be released on bail.

On the other hand, the learned State counsel, assisted by ASI Rakesh, has stated that the case is fixed for 17.03.2021 before the trial court for framing of charges. He, on instructions, further states that the petitioner is not involved in any other case of similar nature, though he is involved in two more cases for the offences under the Indian Penal Code.

After hearing the learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner has already been released on regular bail, 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 12.08.2019. Further, the prosecution is yet to examine its witnesses, who 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,
Sirsa.

February 15, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No