

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.10278 of 2021
Date of Decision: September 07, 2021

Sanjeev Kumar @ Sanju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms.Harpreet Kaur, 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.135 dated 22.07.2020, under Sections 22 and 25 N.D.P.S.Act, 1985, registered at Police Station, Kotwali, District Bathinda, who is in custody since his arrest on 21.09.2020.

As per the FIR, on 22/07/2020, when the police party was present on G.T.Road Bathinda in connection with patrolling, a young man was sitting on the motorcycle bearing registration No.PB37-D-6487 under the electricity transformer in the corner street of Vadi Hospital and one bag was placed on the tank of the motorcycle. On seeing the police party, he tried to escape, but was apprehended on suspicion, who disclosed his name as Rakesh Roshan. Search of the bag was conducted and 7500 intoxicant tablets of Colviol 100 SR were recovered without any permit or licence.

Learned counsel for the petitioner contends that the alleged

contraband (7500 tablets) were recovered from co-accused Rakesh Roshan, who was arrested on the spot. He has further submitted that as the two-wheeler, which was driven by co-accused is owned by the petitioner, therefore, he has also been indicted as an accused on the basis of the disclosure statement of Rakesh Roshan and no recovery was effected from the petitioner. She has submitted that the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary as he is not involved in any other case of similar nature.

On the other hand, learned State counsel, assisted by ASI Gurmukh Singh, has produced the custody of the petitioner by way of affidavit of Inderjeet Singh Kahlon, PPS, Additional Superintendent, Central Jail, Bathinda, which reveals that except for this case, the petitioner is not involved in any other case. It is also not disputed by the learned State counsel that the recovery was made from the co-accused Rakesh Roshan. He has further stated that the prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties, this court finds that the trial is yet to commence and as the petitioner is not involved in any other case, 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 21.09.2020. Further, the trial is yet to commence and it may take considerable time to conclude. 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/CJM/Duty
Magistrate, Bathinda.

September 07, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No