

205(2)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.13231 of 2021
Date of Decision: September 13, 2021

Dharminder Singh @ Dheera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mohit Garg, Advocate,
for the petitioner.

Mr. Ramdeep Partap 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.257 dated 27.12.2020, under Sections 15 and 29 N.D.P.S.Act, 1985, registered at Police Station, Sadar Patiala, District Patiala, who is in custody since his arrest on 27.12.2020.

The contents of the FIR, as noticed by the Judge, Special Court, Patiala in his order dated 08.03.2021 are as under:-

“As per prosecution allegations, on 27.12.2020, the police party received secret information that accused Dharminder Singh and Javinder Singh are habitual of selling poppy husk by bringing it from out side. On the basis of said information, raid was conducted at the Dera of accused Dharminder Singh @ Dhira and he was apprehended therefrom On search, the police recovered 40 kilograms poppy husk. However, accused Jasvinder Singh was not apprehended from the spot.”

Learned counsel for the petitioner has argued that the recovered contraband (40 kgs. poppy husk) falls in non-commercial quantity and as the petitioner is not involved in any other case of similar nature, his further custody may not be necessary as the trial is yet to commence. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Vinod Kumar. However, it is not disputed by him that no prosecution witness has been examined so far and the petitioner is not involved in any other case, much less of similar nature.

After hearing the learned counsel for the parties, considering the above background and the custodial period of the petitioner, this court is of the opinion that though the charges have been framed on 25.03.2021, but no witness has been examined so far, therefore, the conclusion of trial is likely to consume considerable time to conclude. All the witnesses in the case 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, Patiala.

September 13, 2021
vipinkumar

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No