

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.14677 of 2021

Date of Decision: April 08, 2021

Soni @ Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manvinder Sidhu, 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.233 dated 28.06.2019, under Section 22(c) N.D.P.S.Act, 1985, registered at Police Station, Rania, District Sirsa. The petitioner is in custody since his arrest on 28.06.2019.

As per the prosecution case, on 28.06.2019, when police officials were present at village Jiwan Nagar in connection with patrol duty, two boys were seen coming on a motor cycle bearing No.RJ-31-SN-6219. On seeing the police party, they tried to run away and a bag which was kept between them, fell down. Thereafter, driver and pillion rider, both were apprehended. Upon search, a bag containing 780 capsules of Parvorin-Spas Tramadol was recovered.

Learned counsel for the petitioner contends that the investigation of the case is complete and the charges have also been framed on 27.02.2020, but no prosecution witness has been examined so far. He

submits that the co-accused of the petitioner, namely, Raju Singh and Gurmeet Singh have already been extended the concession of regular bail by this court. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Jagdish Kumar, on the ground that the recovered contraband falls within the ambit of commercial quantity and, therefore, the petitioner does not deserve the concession. However, it is not disputed by him that the petitioner is not involved in any other case of similar nature and no witness has been examined so far.

After hearing the learned counsel for the parties and considering the fact that the co-accused of the petitioner have 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 28.06.2019. The prosecution witnesses are police officials and there does not seem to be any possibility of their being won over. As the trial is yet to commence and it is likely to consume considerable time to conclude, so the petitioner has made out a case for regular bail.

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, Sirsa.

April 08, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No