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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-18343-2021

Date of Decision: 27.10.2021

Manish Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jashanjot Singh Uppal, 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.180 dated 06.06.2020 registered under Section 22 NDPS Act, 1985, at Police Station City Faridkot, District Faridkot. The petitioner is in custody since his arrest on 06.06.2020.

The FIR was registered on the basis of a secret information and the allegations as noticed by the learned Judge, Special Court, Faridkot in the order dated 22.07.2020 are as under:

“Perusal of record reveals that FIR No.180 dated 6.6.2020, under Section 22 of NDPS Act, has been registered against accused Deepak Kumar, Manjinder Singh @ Manju and Manish Kumar, at Police Station City Faridkot, on the allegations that they were apprehended while coming on Activa scooter and Jupiter scooter and on search, from the Activa scooter in possession of accused Deepak Kumar and Manjinder Singh @ Manju 1450 intoxicant tablets, and from Jupiter scooter in possession of accused-applicant Manish Kumar 2500 intoxicant tablets were recovered. During interrogation, accused disclosed that they have brought the said intoxicant tablets from Harjinder Kumar @ Jinder Arora son of Channa, resident of Gandhria Wali Gali, Guruharsahai, District Ferozepur. So, vide DDR No.52 dated 8.6.2020, offence under Section 29 of NDPS Act was added and

Harjinder Kumar @ Jinder Arora was nominated as accused.”

Learned counsel for the petitioner contends that except for the present case, the petitioner is not involved in any other case. He submits that the co-accused of the petitioner, namely, Manjinder Singh @Manu and Deepak Kumar have been extended the concession of regular bail by this Court vide order dated 09.10.2020 and 29.10.2020 respectively. According to him, the investigation of the case is complete and only two prosecution witnesses out of total sixteen prosecution witnesses have been examined so far, therefore, the petitioner be also released on regular bail during the pendency of the trial.

On the other hand, learned State counsel has opposed the prayer on the ground that the recovered contraband falls within the ambit of commercial quantity. He does not dispute the fact that the co-accused of the petitioner have been released on regular bail and the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that only two prosecution witnesses out of total sixteen prosecution witnesses have been examined so far, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner have been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 06.06.2020. Further, all the prosecution witnesses are the 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

bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty
Magistrate, concerned.

27.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No