

106

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18329-2020 (O&M)
Date of Decision: 03.08.2021

Ushwa Golfrey Amka

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mrs. Garima Sharma, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.556 dated 21.08.2019 registered under Sections 21 (c) and 27(a) Narcotic Drugs and Psychotropic Substances Act, 1985, Section 14 (a)(b) Foreign Act, 1946 and Section 12 (c) Passport Act, 1967 at Police Station City Hansi, District Hisar. The petitioner is in custody since his arrest on 21.08.2019.

As per the prosecution case, on 21.08.2019 when the police party was on patrol duty, a secret information was received that Nigerian person, namely, Usuah Godfrey Emeca being engaged in the work of selling heroin would be going to supply the same to two boys, namely, Kunal @ Monty and Ishan @ Ishu and upon raid all accused persons can be apprehended. After completion of formalities, Police acted upon this information and recovery of 300 grams heroin (100 grams each) was

effected.

Learned counsel for the petitioner contends that the similarly situated co-accused, namely, Kunal @ Monti from whom equal quantity of contraband (100 grams heroin) was recovered, has already been released on regular bail vide order dated 27.01.2020. According to him, the investigation of the case is complete and even charges have been framed on 12.02.2019, but as no prosecution witness has 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 assisted by ASI Surinder Kumar, does not dispute this fact that the similarly situated co-accused of the petitioner has already been released on bail, but has opposed the prayer on the ground that the petitioner is involved in one more case bearing FIR No.550 dated 19.08.2019, under Sections 21(b) and 27(A) NDPS Act, registered at Police Station City Hansi.

At this stage, learned counsel for the petitioner has invited the attention of the Court to the order dated 29.01.2021 and submitted that in the said case, no recovery was effected from the petitioner, who was implicated as an accused upon the disclosure statement of co-accused and has been released on regular bail.

After hearing the learned counsel for the parties, this Court finds that though the charges have been framed on 12.02.2019, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner has 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 21.08.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

03.08.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No