

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.20635 of 2021
Date of Decision: September 30, 2021

Amardeep Monga @ Deepa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Impinder Singh Dhaliwal, 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.50 dated 17.03.2021, under Section 22(c) N.D.P.S.Act, 1985, registered at Police Station, City Malout, District Shri Muktsar Sahib, who is in custody since his arrest on 17.03.2021.

As per the FIR, on 17.03.2021, when the police party was on patrolling duty, they saw one person sitting on the wooden bench lying on the G.T.Road, who on seeing them, tried to search something out of the polythene bag held by him. When Sub Inspector stopped the vehicle near him, he tried to escape after throwing the said polythene bag. He was apprehended on suspicion and on inquiry, disclosed his name as Amardeep Monga @ Deepa. Upon search, 1100 tablets of Celcidal-100 SR containing

salt Tramadol Hydrochloride were recovered from the polythene bag. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the alleged recovery of 1100 tablets was effected from a bus stop and the petitioner was indicted falsely while sitting on a motorbike nearby the said place where the contraband was lying. According to the learned counsel, the petitioner is not involved in any other case, therefore, he be released on bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Maya Devi. However, it is not disputed by him that no prosecution witness has been examined so far out of total fourteen witnesses. He has produced the custody certificate of the petitioner by way of affidavit of Rajiv Kumar Arora, PPS, Additional Superintendent, Central Prison, Faridkot, which indicates that 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 finds that the trial is yet to commence and as the petitioner is not involved in any other case of similar nature, therefore, his further custody may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 17.03.2021. 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 be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty

Magistrate, Sri Muktsar Sahib.

September 30, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No