

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.22720 of 2021 (O&M)

Date of Decision: June 29, 2021

Joel Uchechukwu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Simranjeet Singh, Advocate,
for the petitioner.

Mr. Saurabh Girdhar, 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.81 dated 14.02.2021, under Sections 20(b), 21(b) N.D.P.S.Act, 1985, 27-A/61/85 N.D.P.S.Act, and Section 14 Foreigner Act (added later on), registered at Police Station, City Fatehabad, District Fatehabad. The petitioner is in custody since his arrest on 17.02.2021.

As per the FIR, on 14.02.2021, Vikas @ Dhoka son of Roshan Lal was apprehended by the police party headed by ASI Bhupender Singh and 11 kgs. ganja and 35 grams heroin were recovered from him. During the course of investigation, said Vikas @ Dhoka suffered disclosure statement to the effect that he had purchased the recovered heroin from Joel Uchechukwu. On these allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the alleged contraband (11 kgs. ganja and 35 grams heroin) was recovered from co-accused Vikas @ Dhoka, who was arrested on the spot and subsequently on

his disclosure statement, the petitioner was indicted as an accused on the ground that the said contraband was purchased from the petitioner. Learned counsel further submits that the petitioner is not involved in any other case, much less of similar nature and since the investigation of the case is complete, therefore, his further custody may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Sarvjeet Singh, on the ground that the petitioner provided the contraband to the co-accused Vikas. However, it is not disputed that the investigation of the case is complete, but the trial is yet to commence.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that the trial is at initial stage with no possibility of its completion in near future as the charges are yet to be framed and, therefore, his further detention behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 17.02.2021.

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, Fatehabad.

June 29, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No