

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

Criminal Misc.-M No.22284 of 2020
Date of Decision: February 22, 2021

Somnath

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Satnam, Advocate for
Mr.D.R.Punia, Advocate,
for the petitioner.

Mr. Bhupinder Beniwal, AAG, 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.9 dated 12.01.2020, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Dilga, District Jalandhar. The petitioner is in custody since his arrest on 12.01.2020.

As per the FIR, on 12.01.2020, when the police party was on patrolling duty near Bus Stand, Khokowal, one Hindu gentleman, was seen coming, who on seeing the police party tried to escape. He was apprehended on suspicion and from the plastic bag held by him, 600 intoxicant capsules of Parvorin Spas were recovered from his possession without any permit or licence.

Learned counsel for the petitioner contends that the petitioner is in custody since 12.01.2020 and the charges have not been framed so far.

According to him, the petitioner is not involved in any other case of similar

nature, therefore, considering his custodial period, he be released on bail as the trial is likely to take some time to conclude.

On the other hand, the prayer is opposed by the learned State counsel on the ground that the recovered contraband would fall within the category of commercial quantity. He has produced the custody certificate of the petitioner to contend that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, this Court finds that the charges in this case are yet to be framed and the petitioner is not involved in any other case, much less of similar nature, therefore, considering the above background and the custodial period of the petitioner, 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 12.01.2020. Further, all the witnesses are 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/Duty Magistrate, Jalandhar.

February 22, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No