

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.30428 of 2021
Date of Decision: November 18, 2021

Sandeep Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.D.S.Malwai, Advocate,
for the petitioner.

Mr.Manish Dadwal, 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.295 dated 08.06.2018, under Section 22(B) N.D.P.S.Act, 1985, registered at Police Station, Ratia, District Fatehabad, who is in custody since his arrest on 08.06.2018.

As per the FIR, on 08.06.2018, ASI Parveen Kumar along with other police officials was present in front of Police Post, Nagpur in connection with nakabandi. He intercepted a motorcycle rider on the basis of suspicion. A notice under Section 50 N.D.P.S.Act was served upon him, who desired to be searched before a Gazetted Officer. Search of the motorcyclist was carried out in the present of Shri Gur Dayal DSP and 40 strips of Tramadol Hydrochloride and Domperidone tablets contained in a polythene were recovered.

Learned counsel for the petitioner has argued that the alleged

recovery of 400 tablets of Tramadol Hydrochloride and Domperidone were made from the petitioner on 08.06.2018 and ever since his arrest on the said date, he is in custody. He submits that though the charges were framed on 13.12.2018, but the prosecution has failed to examine its witnesses as only four witnesses have been examined till date. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Jatinder Singh, has opposed the prayer and argued that the petitioner is involved in other cases of similar nature. According to him, the petitioner already stands convicted in two cases, whereas in three cases, he was acquitted. However, it is not disputed that out of total fourteen prosecution witnesses, only four have been examined till date.

At this stage, learned counsel for the petitioner has invited the attention of the court to the orders (Annexures P-4 and P-5) and submitted that in the other cases, the sentence of the petitioner has already been suspended.

After hearing the learned counsel for the parties and considering the above background, particularly his long custody and the stage of the trial, this court is of the opinion that the further detention of the petitioner behind the bars may not be necessary for any useful purpose as the trial is likely to consume considerable time to conclude. Apart from it, the material 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/CJM/Duty

Magistrate, Fatehabad.

**November 18, 2021
ramesh**

**(MANOJ BAJAJ)
JUDGE**

**Whether speaking/reasoned
Whether Reportable:**

**Yes/No
Yes/No**