

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.29857 of 2021
Date of Decision: December 03, 2021

Jatinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms.Sukhveer Kaur Brar, Advocate for
Mr.R.K.Arya, 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.20 dated 09.02.2014, under Section 21 N.D.P.S.Act, 1985, registered at Police Station, Kathu Nangal, District Amritsar Rural, who is in custody since his arrest on 11.09.2020.

As per FIR, on 09.02;2014 the police party apprehended the accused on the basis of suspicion in the area of Village Kathu Nangal while on patrol duty and during search, four grams of heroin was recovered from his possession without any licence.

Learned counsel for the petitioner contends that though the charges in this case were framed on 07.04.2016, but till date, no prosecution witness has been examined. According to her, 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, assisted by ASI Jatinder Singh on the ground that the petitioner remained absent from trial proceedings. However, it is not disputed that no prosecution witness has been examined so far out of total ten witnesses. He has produced the custody certificate of the petitioner by way of affidavit of Raja Navdeep Singh, Deputy Superintendent, Central Jail, Amritsar, which indicates that he is involved in another case under Indian Penal Code.

After hearing the learned counsel for the parties, considering the custodial period of the petitioner and the quantity of contraband recovered from him, this court is of the opinion that the further detention of the petitioner behind the bars may not be necessary for any useful purpose, particularly when 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, Amritsar.

December 03, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No