

110

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-38666-2021 in/and
CRM-M-33036-2021
Date of Decision: 17.11.2021

Tarlochan Singh @ Giani

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurinder Singh Brar, Advocate for applicant-petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)
CRM-38666-2021

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today.

CRM-M-33036-2021

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.0199 dated 10.12.2020 registered under Sections 18, 21, 25 and 29 NDPS Act, 1985 at Police Station City I Mansa, District Mansa. The petitioner is in custody since his arrest on

20.02.2021.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Id. Judge, Special Court, Mansa in the order dated 06.05.2021 are as under:

“The brief facts of the case are that on 10.12.2020, accused Mange Ram and Balkar Singh were intercepted by the police. Accused Mange Ram (non applicant) was found in possession of 100-gm opium and accused Balkar Singh (non applicant) was found in possession of 90-gm opium. During the interrogation, they disclosed the name of Tarlochan Singh as supplier of the opium.”

Learned counsel contends that the alleged contraband (190 grmas opium) was recovered from co-accused Mange Ram and Balkar Singh, who have already been released on regular bail by this Court vide order dated 07.04.2021 and 25.03.2021 respectively. He submits that on the basis of disclosure statement suffered by them, the petitioner was arraigned in the above case. Learned counsel has drawn the attention of the Court to the order dated 27.07.2021 and submitted that another co-accused, namely, Tarsem Singh has already been released on regular bail by this Court. He states that the alleged contraband falls in non-commercial quantity. He further submits that the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

Learned State counsel assisted by SI Joginder, has opposed the prayer, however, he does not dispute the fact that the recovered contraband falls within the ambit of non-commercial quantity. It is also not disputed that the co-accused of the petitioner have been released on regular bail.

After hearing the learned counsel for the parties, this Court finds that though the challan was presented on 17.04.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would

take considerable time. Apart from it, the co-accused of the petitioner have been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest. 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, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

17.11.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No