

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No. 34413 of 2021
Date of Decision: August 31, 2021

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Saloni Sharma, 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 01.08.2018, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Patara, District Jalandhar. The petitioner is in custody since his arrest on 01.08.2018.

As per prosecution, 1564 intoxicant tablets were recovered from Avtar Singh (petitioner) and his three co-accused.

Learned counsel for the petitioner has argued that the prosecution has examined only three witnesses out of total ten witnesses and the trial is likely to consume considerable time to conclude. According to him, the petitioner is not involved in any other case of similar nature. She has invited the attention of the court to the orders dated 09.02.2021 and 17.03.2021 (Annexures P-1 and P-2), whereby co-accused, namely, Dimple Kumar @ Dimple and Rajinder Masih have already been released on regular

bail by this Court. She prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Balbir Singh, on the ground that in all, 1564 intoxicating tablets/capsules were recovered from the vehicle owned by co-accused. He has filed the custody certificate by way of affidavit of Hemant Sharma, PPS, Additional Superintendent, Central Jail, Kapurthala, which indicates that the petitioner is not involved in any other case of similar nature.

After hearing the learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner has already been released on regular bail, 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 01.08.2018. Further, the prosecution is yet to examine its remaining witnesses and it may take considerable time to conclude the trial.

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.

August 31, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No