

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.29927 of 2020 (O&M)

Date of Decision: September 22, 2021

Jatinder @ Raju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.J.S.Bedi, Advocate for
Mr.Kawalpreet Singh Virk, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, 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.109 dated 20.07.2019, under Section 15 N.D.P.S.Act, 1985 and Sections 279, 337, 483, 34 IPC, 1860 and Section 3/181 Motor Vehicles Act, 1988, registered at Police Station, Siwan, District Kaithal, who is in custody since his arrest on 19.07.2019.

The above FIR was registered on a written complaint by Constable Ajit Singh No.358, who stated that when the investigation in the case FIR No.108 dated 19.07.2017, under Section 379-A IPC, Police Station, Siwan was in progress and when the complainant was present on road which leads from Kanthli to Sair, a car was seen coming from the side of Village Sair at about 10.15 p.m. at a very high speed and hit a motorcycle coming from Village Kanthli. The motorcyclist (Ranjit Singh @ Rana)

suffered injuries, who was sent to the hospital and two persons were found sitting in the car, who on seeing the police party attempted to escape, but with the help of fellow police officials, they were apprehended. Upon search, three plastic bags were found lying in the rear seat of the car, whereas two were found in the dicky. Upon checking, poppy straw was found in those bags. The occupants of the vehicle disclosed their names as Jaskaran Singh @ Sethu (driver) and Jatinder @ Raju. Upon weighing the bags, total 95 kgs. of poppy husk was recovered from those bags. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the investigation of the case is complete as the final report stands filed on 19.10.2019, whereupon the charges were framed on 16.11.2019, but only two prosecution witnesses have been examined so far out of total sixteen witnesses. He submits that the co-accused has already been granted the concession of regular bail. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ESI Ramphal. However, it is not disputed that only two prosecution witnesses have been examined so far and the above status of co-accused of the petitioner is also not in dispute.

After hearing the learned counsel for the parties, custodial period of the petitioner and the pace at which the trial is progressing, 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 19.07.2019 as the trial is likely to consume considerable time to conclude. The petitioner is not involved in any other case of similar nature and all the witnesses in the case 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, Kaithal.

September 22, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No