

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.30937 of 2020

Date of Decision: February 05, 2021

Ravi Kumar @ Ravi

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jasraj Singh, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, 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.137 dated 19.04.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Phillaur, District Jalandhar. The petitioner is in custody since his arrest on 19.04.2019.

As per the allegations in the FIR, on 19.04.2019, when ASI Govinder Kumar along with other police officials was holding a nakabandi for checking bad elements, a youngster was seen coming on foot from the side of Ludhiana, who was holding a black colour polythene bag in his right hand. On seeing the police party, he threw the polythene bag and was apprehended on suspicion, who disclosed his name as Ravi Kumar @ Ravi. On search of polythene bag, 1680 tablets of Alprasafe-0.5 were recovered.

Learned counsel for the petitioner contends that the charges in this case were framed on 22.10.2019, but no prosecution witness has been examined so far. According to him, 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 Govinder Singh, on the ground that the recovered contraband would fall within the category of commercial quantity. He has produced the custody certificate of the petitioner by way of affidavit of Narpinder Singh, PPS, Deputy Superintendent Central Jail, Kapurthala, which indicates that he is not involved in any other case of similar nature, and prosecution is yet to begin the examination of witnesses.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed in October, 2019, but the trial is yet to commence as no prosecution witness has been examined till date. Apart from it, the petitioner is presently confined in judicial custody after his arrest on 19.04.2019, who is admittedly not involved in any other case, much less of similar nature and, therefore, his further custody would not serve any useful purpose. The material prosecution witnesses are police officers and there does not seem 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/Duty Magistrate, Jalandhar.

February 05, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No