

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: February 09, 2021

1. CRM-M-28525-2019 (O&M)

Gurlal Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-40653-2019 (O&M)

Jiwan Singh @ Jiwan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S.Sekhon, Advocate,
for the petitioner.

Mr. Amit Mehta, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.8 dated 15.01.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Maur, District Bathinda. The petitioners are in custody since their arrest on 15.01.2019.

As per the allegations in the FIR, on 15.01.2019, the police party headed by ASI Harbans Singh, apprehended the accused and 25 vials of Onerex-100 ml, 300 tablets of Carisoma and 540 tablets of Alprasafe were recovered from them, who were riding on a motor-cycle bearing registration No.PB-03AM-5186.

Learned counsel for the petitioners contends that except for the

present case, the petitioners are not involved in any other case of similar nature. He submits that the prosecution has examined three witnesses so far and the trial is still likely to consume considerable time. He prays for bail.

On the other hand, learned State counsel, on instructions, has opposed the prayer on the ground that the recovered contraband would fall within the ambit of commercial quantity. However, it is not disputed that till date, only three prosecution witnesses have been examined out of total eight witnesses. He has further produced the custody certificates of the petitioners, which reflect that they are not involved in any other case of similar nature, though Gurlal Singh is involved in a case relating to the offences under Indian Penal Code.

After hearing the learned counsel for the parties, this Court finds that the petitioners are in detention for the last more than two years and still five prosecution witnesses remain to be examined. Admittedly, the petitioners are not involved in any other case of similar nature. Therefore, considering the custodial period and the pace of the trial, this Court finds that their further detention may not be justified for any useful purpose.

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, Bathinda.

February 09, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No