

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc.-M No.37524 of 2021

Date of Decision: November 16, 2021

Kuldeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Karan Singh, 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.70 dated 16.03.2021, under Sections 22 and 29 N.D.P.S.Act, 1985, registered at Police Station, Civil Lines Patiala, District Patiala, who is in custody since his arrest on 16.03.2021.

As per prosecution version, on 16.3.2021 police of CIA Staff, Patiala arrested one Ramesh Kumar with a scooter bearing registration No.PB 11M 2925 and from his possession, 2625 tablets of Alprazolam 0.5 mg., 264 capsules of Spasmo Proxyvon Plus and 120 capsules of Tramadol were recovered.

Learned counsel for the petitioner has argued that the alleged contraband (approximately 3000 tablets/capsules) was recovered from co-accused Ramesh Kumar on 16.03.2021 and the said accused was arrested on the spot. He has pointed out that subsequently on his disclosure statement, petitioner has been indicted as an accused and considering the nature of evidence collected by the prosecution, his further custody may not be

necessary. He submits that the investigation of the case is complete and co-accused, namely, Nityanand Sharma has already been granted the concession of regular bail by this court vide order dated 23.09.2021 passed in CRM-M-21328 of 2021. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Balraj Singh, who has argued that the recovered contraband falls in commercial quantity and there are telephonic conversations between the accused persons, however, he submits that the investigation of the case is complete and the final report was filed on 09.07.2021. Learned State counsel does not dispute that the co-accused has been extended the concession of regular bail.

After hearing the learned counsel for the parties, considering the above background and custody of the petitioner, this court is of the opinion that as the trial is yet to commence as no witness has been examined so far out of total fourteen prosecution witnesses, 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 16.03.2021. 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, 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, Patiala.

November 16, 2021

ramesh

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No