

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.32230 of 2020

Date of Decision: June 30, 2021

Jitender Kumar @ Gullu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Laghuinder Singh Sekhon, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, 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.77 dated 01.07.2019, under Sections 22(c) and 27(A) N.D.P.S.Act, 1985, registered at Police Station, Jakhal, District Fatehabad. The petitioner is in custody since his arrest on 01.07.2019.

As per the FIR, on 01.07.2019, accused Jitender Kumar @ Gullu was apprehended by the police party and 900 tablets of Tramadol Hydrochloride were recovered from him. It is alleged that the abovesaid contraband was allegedly supplied by accused Brijesh Kumar @ Bittu, who was apprehended on 02.07.2019 for having conscious possession of 3000 tablets of Tramadol Hydrochloride.

Learned counsel for the petitioner has argued that though the charges were framed in this case on 10.12.2019, but till date no prosecution witness has been examined. According to him, the co-accused of the petitioner, namely, Sandeep Kumar, has already been released on regular

bail by this court vide order dated 28.09.2020 (Annexure P-1) and as the petitioner is not involved in any other case of similar nature, therefore, he deserves the concession of regular bail.

On the other hand, learned State counsel, assisted by ASI Harpal Singh, has not disputed this fact that after framing of charges in December, 2019, the trial is yet to commence. He further states that the petitioner is not involved in any other case, much less of similar nature.

After hearing the learned counsel for the parties, this court is of the opinion that as the co-accused of the petitioner stands released on regular bail and the trial is yet to commence and there does not seem to be any possibility of its completion in near future, therefore, the further custody of the petitioner behind the bars may not be justified, who is presently confined in judicial custody after his arrest on 01.07.2019. Apart from it, 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, Fatehabad.

June 30, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No