

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32897-2020

DATE OF DECISION: FEBRUARY 23, 2021

BHUSHAN KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ADITYA SANGHI, ADVOCATE FOR THE PETITIONER.
MR. SUKHDEEP SINGH 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.506 dated 13.8.2019, under Section 22 NDPS Act, Police Station City Sirsa, District Sirsa. The petitioner is in custody since his arrest on 13.8.2019.

As per the allegations in the FIR, on 13.8.2019, when ASI Deepak alongwith other police officials were present near old Housing Board Colony near Green Belt Park City Sirsa for patrolling, two persons riding on a Scooty having a bag in between them were seen coming from the side of Dabwali road. After seeing the police, they got perplexed and tried to turn back. On suspicion, they were apprehended and the person driving the Scooty disclosed his name as Bhushan Kumar, whereas the pillion rider told his name as Raj Kumar @ Bittu. On checking the bag, 16 boxes of NRX Tramadol Hydrochloride Chlorpheniramine Meleate Capsules Parvorin SPAS Ridley were found. Each box contained 20-20 strips having 10 capsules each totalling 3200 capsules. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that though there are 17 witnesses mentioned in the final report submitted by the prosecution, but none has been examined so far. He submits that the recovery of the contraband was effected from the bag held by his co-accused who was a pillion rider on a Scooty driven by the petitioner, and he has been released on regular bail vide order dated 21.8.2020, passed by this Court. Learned counsel has produced the said order. He prays for bail.

On the other hand, learned counsel for the State assisted by ASI Roop Singh does not dispute the factual aspect and contends that no prosecution witness has been examined so far and the case is fixed for 12.4.2021. He, on instructions, further states that the petitioner is not involved in any other case of similar nature.

Considering the above background and the fact that the co-accused of the petitioner has already been granted regular bail by this Court, therefore, further custody of the petitioner may not be justified, who is presently confined in judicial custody after his arrest on 13.8.2019 and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 23, 2021

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE