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

CRM-M-34296-2020

Date of Decision: 05.10.2021

Pritam Singh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lakhwinder Singh Sidhu, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, 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.64 dated 16.06.2020 registered under Section 22 NDPS Act, 1985 at Police Station Rori, District Sirsa. The petitioner is in custody since 16.06.2020.

The FIR was registered on the statement of ASI Somit Kumar and the allegations as noticed by the Addl. Sessions Judge, Sirsa in the order dated 31.08.2020 are as under:

“As per FIR on 16.6.2020 during patrolling duty by police officials in the area of Rori-Surtia Road, accused Kashi Nath and Pritam Singh (petitioner) were apprehended in possession of 600 Tramadol Hydrochloride Tablets 100mg. After usual formalities at spot, the present case was registered and the accused were arrested. During further interrogation, accused disclosed that the recovered tablets were supplied to them by Gamma Singh S/of Harcharan Singh, r/o Rori. After usual formalities at spot, the present case was registered and the petitioner was arrested in accordance with law.”

Learned counsel for the petitioner contends that the alleged recovery of contraband (600 Tramadol Hydrochloride Tablets) was made from a polythene bag tied with the handle of the motorcycle being driven by his co-accused, namely, Kashi Nath. According to him, the petitioner had

therefore, his further custody may not be necessary, as the trial is not making any headway. He prays for bail.

Learned State counsel assisted by ASI Atma Ram, has stated that the investigation of the case is complete, but the charges are yet to be framed. He has opposed the prayer on the ground that the recovered contraband falls in commercial quantity and he was accompanying the co-accused Kashi Nath. However, it is not disputed that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that though the challan was presented on 08.12.2020, but the trial is yet to commence. The material prosecution witnesses are police officers and there does not seem any possibility of their being won over. Apart from it, the petitioner is presently confined in judicial custody after his arrest on 16.06.2020, 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.

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/Duty Magistrate concerned.

The petition is allowed.

05.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No