

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

Criminal Misc.-M No.35698 of 2020

Date of Decision: November 25, 2021

Surjit Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Sandeep Arora, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, 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.80 dated 09.07.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Bast Bawa Khel, District Jalandhar, who is in custody since his arrest on 09.07.2019.

As per the FIR, on 09.07.2019, when the police party was going towards MS Farm from Basti Peer Daad Road and reached a little ahead of MS Farm, a clean shaven person was seen coming from the side of lather complex road on foot, who on seeing the police party, became perplexed, turned backwards and started walking briskly. On suspicion, the police tried to apprehend him, on which he by pulling out a polythene envelope from the right pocket of his pant, tried to throw it. When Sub Inspector tried to catch hold the envelope, the envelope got torn in which intoxicant injections were seen. On checking, 10 injections of Mark Avil 10 ML and 10 injections of Rexogesic 2 ML were recovered.

Learned counsel for the petitioner contends that though the

charges were framed on 07.12.2019, but till date no prosecution witness has been examined out of total eight. He further submits that the recovered contraband would fall under non-commercial quantity, therefore, the petitioner be released on regular bail.

On the other hand, learned State counsel, assisted by ASI Manjit Singh, while opposing the prayer, has argued that the petitioner is involved in another case of similar nature bearing FIR No.171 dated 11.07.2018, under Sections 22 and 29 N.D.P.S.Act, Police Station, GRP Ludhiana, however, in the said case he is on regular bail. Learned State counsel does not dispute the fact that till date, no prosecution witness has been examined.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present 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, Jalandhar.

November 25, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No