

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.37693 of 2020
Date of Decision: December 22, 2021

Pushpinder Singh @ Kaka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.B.S.Aulakh, Advocate,
for the petitioner.

Mr.Kirat Singh Sidhu, 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.289 dated 01.09.2020, under Section 22(c) N.D.P.S.Act, 1985, registered at Police Station, Lambi, District Sri Muktsar Sahib, who is in custody since his arrest on 01.09.2020.

As per the FIR, on 01.09.2020 when the police party was about 200 yards behind the Government College, Village Sikhwala, then two young persons were seen coming from the side of Village Sikhwala on a motorcycle. On suspicion, they were signalled to stop the vehicle, but its driver immediately applied brakes and tried to turn the motorcycle backwards, upon which the motorcycle slipped and the persons fell down on the ground. They were apprehended and upon search of the polythene, 1000

tablets of Tramadol Hydrochloride and 500 tablets of Etolam 0.5 Etizolam were recovered.

Learned counsel for the petitioner has argued that though the charges have been framed on 18.08.2021, but till date, no prosecution witness has been examined. According to him, the petitioner is not involved in any other case of similar nature, therefore, considering his custodial period, he be released on bail as the trial is likely to take considerable time to conclude.

On the other hand, learned State counsel, assisted by ASI Nachhtar Singh, has opposed the prayer, but does not dispute that no prosecution witness has been examined so far out of total twenty witnesses. He has produced the custody certificate of the petitioner by way of affidavit of Inderjeet Singh Kahlon, PPS, Additional Superintendent, Central Jail, Bathinda and submits that he is not involved in any other case of similar nature.

After hearing the learned counsel for the parties, considering the above background as well as the pace at which the trial is progressing, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak. Admittedly, the petitioner is not involved in any other case and the material witnesses are police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

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, Sri Muktsar Sahib.

December 22, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No