

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.37668 of 2020

Date of Decision: November 18, 2021

Chandan Kumar @ Shah

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr.Ramandeep Sandhu, Sr.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.3 dated 05.01.2020, under Section 22 N.D.P.S. Act, 1985 and Section 25 Arms Act, 1959, registered at Police Station, Bhogpur, District Jalandhar Rural, who is in custody since his arrest on 05.01.2020.

As per the allegations in the FIR, 12 MAXCOFF-T of 100 ML each containing salt Codeine Phosphate, one country made pistol 7.65M along with two live cartridges were recovered from accused Chandan Kumar, who was arrested red handed from near Kingra Chowwala turn, Jalandhar and one magazine of pistol 7.65 MM and one live cartridge was recovered from accused Deepak.

Learned counsel for the petitioner has argued that as per prosecution, the petitioner along with his co-accused, namely, Deepak, was arrested with 12 MAXCOFF-T along with country made pistol and two live

cartridges. He submits that the investigation of the case was complete in May, 2020 as the final report was filed on 30.05.2020, however, till date even charges have not been framed. According to him, the petitioner is not an accused in any other case, therefore, he be released on bail.

On the other hand, learned State counsel, assisted by ASI Talwinder Singh, has opposed the prayer, who has argued that the petitioner was carrying commercial quantity of the narcotic substance and the co-accused, namely Deepak, who was on interim regular bail, has absconded and is yet to be arrested. However, it is not disputed that after filing of the final report on 30.05.2020, the charges are yet to be framed.

After hearing the learned counsel for the parties, considering the long custody of the petitioner and the stage of the trial, which is yet to commence, this Court finds that no useful purpose would be served by detaining the petitioner behind the bars. Apart from it, the material 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, Jalandhar.

November 18, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No