

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.37892 of 2020

Date of Decision: February 19, 2021

Sandeep Kumar @ Kalia

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the petitioner.

Mr. 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.143 dated 23.03.2020, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Rania, District Sirsa. The petitioner is in custody since his arrest on 23.03.2020.

As per the allegations in the FIR, on 23.03.2020 the police party was present at Bus Stand, Bani for patrolling. On the basis of a secret information received by the police party, the accused was apprehended and 910 prohibited intoxicant capsules were recovered from him without any permit or licence.

Learned State counsel, on instructions from ASI Bharat Singh, states that the challan in this case was filed on 17.09.2020 and the charges were framed on 29.01.2021. He submits that the recovered contraband would fall within the category of commercial quantity. He has produced the custody certificate of the petitioner to contend that he is not involved in any other case of similar nature.

After hearing the learned counsel for the State, this Court finds that the charges in this case were framed on 29.01.2021 and the petitioner is not involved in any other case, much less of similar nature, therefore, considering the above background and the custodial period of the petitioner, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 23.03.2020. Further, the prosecution is yet to examine its witnesses and it may take considerable time to conclude the trial. All the witnesses are 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/Duty Magistrate, Sirsa.

February 19, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No