

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.42845 of 2021

Date of Decision: December 10, 2021

Rinku

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Bhupinder Ghai, Advocate,
for the petitioner.

Mr.Bhupender Singh, DAG, 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.18 dated 08.02.2021, under Sections 21 and 22 N.D.P.S.Act, 1985, registered at Police Station, Sector 9 Ambala City, District Ambala, who is in custody since his arrest on 07.02.2021.

As per the FIR, on 07.02.2021, when the police party was present at turn of the city, Sector 9/10 T point Chowk, at about 10:05 PM three young boys came from side of Stadium on Activa without number plate. On suspicion, they were signalled to stop, but the driver of activa turned back and tried to fled away. They were apprehended on suspicion and on checking, 45 small bottles of AVIL 10 ML and 45 injections of Buprenorphine were recovered from their possession.

Learned counsel for the petitioner has argued that the investigation in the case is complete as the final report stands filed on

05.04.2021, but the charges are yet to be framed. He submits that the quantity of recovered contraband is marginally above the commercial quantity and similarly situated co-accused of the petitioners have been released on regular bail by the trial court vide orders dated 22.04.2021 and 24.06.2021 (Annexure P-2 and P-3). According to him, the petitioner is not involved in any other case of similar nature. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Krishan Lal, however, it is not disputed that the co-accused have been extended the concession of regular bail and the petitioner 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, Ambala.

December 10, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No