

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

Criminal Misc.-M No.40608 of 2020
Date of Decision: April 06, 2021

Rashpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jashandeep Singh Sandhu, 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.48 dated 28.06.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Bhadaur, District Barnala. The petitioner is in custody since his arrest on 28.06.2019.

The contents of the FIR, as noticed by the Judge, Special Court, Barnala in his order dated 20.09.2019 are as under:-

“As per the prosecution version, on 28.06.2019 SI Harsimranjit Singh along with other police officials was present at T Point Bhadaur where at about 2:30 PM he received a secret information that Raspal Singh is habitual of selling intoxicant tablets and on that day he was coming from his village to Bhadaur via Stadium, he could be apprehended. Finding the information to be reliable, Ruqa was sent on the basis of which the FIR was registered against the accused. The Nakka was laid at the disclosed place and checking of the vehicles coming from Jangiana was being done and during the process one

person was seen coming, on white coloured scooty who was on seeing the police party tried to turn back, but was apprehended on suspicion. He disclosed his name as Raspal Singh besides other particulars. He was also found hanging plastic bag in his right shoulder. Then option of search was given to the accused and when he opted his search to be conducted before a Gazetted Officer, then DSP Varinderpal Singh was called at the spot who also gave the option of search before some other Gazetted Officer or Magistrate to the accused but when he reposed confidence in the DSP, then polythene envelope carried by accused/applicant was checked and it was found to contain 240 strips of intoxicant Tablets Make Clovidol 100 SR and each strip was containing 10 tablets. Then he was arrested and further investigation was carried out.”

Learned counsel for the petitioner contends that the petitioner is in custody for a long period. He submits that the trial will take long time to conclude as the charges in this case were framed on 08.01.2020, but no prosecution witness has been examined so far. 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.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Baljeet Singh on the ground that the recovered contraband falls in commercial quantity. However, he does not dispute this fact that the petitioner is not involved in any other case of similar nature. He, on instructions, states that the charges were framed on 08.01.2020, but no prosecution witness has been examined so far, out of total eleven witnesses.

After hearing the learned counsel for the parties, considering the custodial period and the fact that the petitioner is not involved in any other case, this Court does not find any reason to decline the prayer,

particularly when the prosecution witnesses are the police officials and there is no 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, Barnala.

April 06, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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