

236

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

CRM-M-46099-2021

Date of decision-10.11.2021

Rakesh Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ram Bilas Gupta, Advocate for
Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.45 dated 03.06.2019 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhikhiwind, District Tarn Taran, who is in custody since his arrest on 03.06.2019.

As per the allegations in the FIR, on 03.06.2019, when the police party was present at Village Pula Thabat for patrolling, then one person was seen coming, who was holding plastic bag in his hand and on seeing the police party, he tried to escape. He was apprehended on suspicion and on search of plastic bag held by him, 1120 intoxicant tablets (containing Tramadol Hydrochloride) were recovered.

Learned counsel for the petitioner contends that the

investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He further contends that after framing of charges on 15.01.2020, no prosecution witnesses has been examined so far out of total 09 witnesses and the trial will take considerable time to conclude. He prays for bail.

On the other hand, learned State counsel assisted by ASI Naresh Kumar has opposed the prayer on the ground that the recovered contraband would fall within the ambit of commercial quantity. He states that the petitioner is involved in one more case of similar nature, however, he has already served the sentence in the said case. He on instructions further submits that the case is now fixed for 18.11.2021 for recording the prosecution evidence before the trial Court.

Considering the above background, custody of the petitioner and pace of the trial, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, because after framing of charges on 15.01.2020, no witness has been examined so far out of total 09 prosecution witnesses, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 03.06.2019. Moreover, the material witnesses are police officials, so 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, 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 concerned.

The petition is allowed.

10.11.2021

(MANOJ BAJAJ)
JUDGE

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