

210

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-49925-2021 (O&M)  
Date of Decision: 03.12.2021

Harinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Ms. Aruna Sachdeva, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

**Manoj Bajaj, J. (Oral)**

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.134 dated 18.09.2021 registered under Sections 21 and 29 NDPS Act, 1985 (Sections 379, 411, 475 and 482 IPC added later on) at Police Station Balongi, District SAS Nagar, Mohali. The petitioner is in custody since his arrest on 18.09.2021.

As per prosecution, On 18.09.2021, a secret information was received and acting upon the same, four persons travelling on two motorcycles were apprehended. On search, 5 injections of Buprenorphine and 5 vials of Avil were recovered from Harinder Singh @ Honey, who was driving motorcycle bearing No.PB-23-X-8131 and 10 injections of Buprenorphine and 10 vials of Avil were recovered from pillion rider Sukhwinder Singh @ Sukhi. Gagandeep Singh @ Manga, who was driving the motorcycle bearing No.CH-01-AR-0549, 05 injections of Buprenorphine and 05 vials of Avil were recovered from him and from pillion rider Rajat Sharma, 10 injections of Buprenorphine and 10 vials of

Avil were recovered from him.

Learned counsel contends that the petitioner was a driver of the motorcycle bearing No.PB-23-X-8131 and from him, 5 injections of Buprenorphine and 5 vials of Avil were recovered, whereas according to prosecution, pillion rider, namely Sukhwinder Singh was carrying 10 injections of Buprenorphine and 10 vials of Avil. Learned counsel has submitted that the recovery of 5 injections of Buprenorphine and 5 vials of Avil would fall within non-commercial quantity and, therefore, the further custody of the petitioner may not be necessary, particularly when he has recently lost his wife on 01.11.2021 leaving behind a minor child. She states that the investigation of the case is complete, therefore, the petitioner be released on regular bail.

Learned State counsel assisted by SI Paramjit Singh, has opposed the prayer on the ground that in all, there are four accused, who were travelling on two motorcycles and similar recoveries were effected from the occupants of both the vehicles. He submits that 5 injections of Buprenorphine and 5 vials of Avil were found in the pocket of the petitioner, whereas pillion rider was carrying 10 injections of Buprenorphine and 10 vials of Avil. He has produced the custody certificate dated 03.12.2021 by way of affidavit of Kulwinder Singh, Deputy Superintendent, District Jail, Rupnagar, which indicates that the petitioner is not involved in any other case. It is also not disputed that the investigation is complete and challan stands presented on 30.11.2021, but, the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that though the challan was presented on 30.11.2021, but the trial is

yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest. Further, all the prosecution 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, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

03.12.2021  
Jasmine Kaur

(MANOJ BAJAJ)  
JUDGE

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|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |