

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.50221of 2021
Date of Decision: December 07, 2021

Pardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms.Seema Arora, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.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.57 dated 16.06.2021, under Sections 18 and 15 N.D.P.S.Act, 1985, registered at Police Station, Kulgarhi, District Ferozepur, who is in custody since his arrest on 16.06.2021.

As per the allegations in the FIR, the police acted upon a secret information and stopped two big trollas bearing registration No.PB05-W7813 and PB05-AB-7513. Upon search, 2 kgs. of opium and 35 kgs. of poppy husk were effected from trolla bearing registration No.PB05-W-7813, driven by Gurjeet Singh and Cleaner Balvir Singh. Out of other trolla bearing registration No.PB05-AB-7513, driven by Pardeep Singh and Cleaner Harjinder Singh, 2.5 kgs of opium and 15 kgs. of poppy husk were recovered. Both the respective drivers, namely, Gurjeet Singh and Pardeep Singh and Cleaners Balvir Singh and Harjinder Singh were arrested on the

spot.

Learned counsel for the petitioner has argued that the challan has been filed and the charges have also been framed on 08.10.2021. She further states that co-accused have been granted the concession of regular bail by this court vide orders dated 05.10.2021, 12.11.2021 and 25.11.2021 (Annexures P-2 to P-4). She submits that as the investigation of the case is complete, therefore, the petitioner be also released on regular bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Raj Singh, on the ground that the petitioner was arrested on the spot along with the contraband and the recovered quantity of contraband touches the border line between non-commercial and commercial. However, it is not disputed by him that the co-accused of the petitioner have been released on regular bail by this court and that the charges have been framed.

After hearing the learned counsel for the parties, considering the above background, quantity of contraband recovered and the fact that the co-accused have already been released on regular bail, this court is of the opinion that the further detention of the petitioner behind the bars may not be necessary for any useful purpose. Apart from it, the material 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, 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, Ferozepur.

December 07, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No