

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

Date of Decision: December 21, 2021

1. **CRM-M-52411-2021**

Baldev Singh @ Deba

...Petitioner

Versus

State of Punjab

...Respondent

2. **CRM-M-52436-2021**

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Anurag Chopra, Advocate,
for the petitioners.

Mr.Luvinder Sofat, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.39 dated 07.06.2021, under Section 21(b) N.D.P.S.Act, 1985 and Sections 21(c), 18, 29 (added later on), registered at Police Station, Sarai Amanat Khan, District Tarn Taran, who were arrested on 07.08.2021 and 21.04.2021, respectively.

As per the FIR, on 07.06.2021 when the police party reached in front of Atta Chaki Bakshish Singh in connection with patrolling, a young man came out of a Haveli and on seeing them, he threw a polythene,

which he was holding in his right hand and then tried to escape from the spot. He was apprehended on suspicion and on inquiry, he disclosed his name as Palwinder Singh alias Sabi. Upon search of polythene, eight grams of heroin was recovered. Later on, 1 Kg. & 350 grams of heroin was also recovered from his house.

Learned counsel for the petitioners contends that the petitioners were implicated in the above FIR on the basis of the disclosure statement made by co-accused Palwinder Singh from whom 1 Kg.350 grams of heroin was recovered. He has argued that as per prosecution, the petitioners were possessing 5 grams heroin each and the said quantity would fall within the ambit of small quantity. He has argued that the investigation of the case is complete, therefore, the petitioners be released on bail.

On the other hand, learned State counsel, assisted by ASI Avtar Singh has opposed the prayer, but does not dispute the above factual aspect and states that indeed the final report was filed on 03.11.2021, but the trial is yet to commence.

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. 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 petitioners behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite

bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty
Magistrate, Tarn Taran.

December 21, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

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