

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

Criminal Misc.-M No.50358 of 2019 (O&M)

Date of Decision: February 08, 2021

Satish Kumar @ Tony

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Thakur, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, 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.19 dated 26.01.2019, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Adampur, District Jalandhar. The petitioner is in custody since his arrest on 26.01.2019.

As per the allegations in the FIR, on 26.01.2019, the police party was on patrolling duty and when they reached at the bridge of Rest House, Adampur, a person was seen coming from the side of Magar Mohalla, Adampur on motor-cycle, who on seeing the police party, tried to take U-turn. He was apprehended on suspicion and on enquiry, he disclosed his name as Satish Kumar @ Tony. The bag held by him was checked and one paper carton box containing fifteen injections of Avil 10 ml. and fifteen injections of Buprenorphine IP 2 ml.were recovered.

Learned counsel for the petitioner contends that the trial is not

making any headway as after framing of charges on 21.07.2019, no prosecution witness has been examined. He has pointed out that previously the concession of interim regular bail was extended to the petitioner by the trial court as the FSL report was awaited and said concession was never misused by the petitioner, who surrendered on 19.07.2019, i.e., after receipt of the FSL report. He prays for regular bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Surinder Pal, on the ground that the recovered contraband (fifteen injections of Buprenorphine) would fall within the ambit of commercial quantity. He has further argued that previously also, the petitioner was involved in similar cases and has referred to the custody certificate filed by way of affidavit of Narpinder Singh, PPS, Deputy Superintendent Central Jail, Kapurthala. He has prayed that the petitioner does not deserve the concession of regular bail.

At this stage, learned counsel for the petitioner submits that in FIR No.95 of 2017, under Section 22 N.D.P.S.Act, Police Station, Cantt. Jalandhar, a cancellation report stands filed before the trial court on 08.01.2020. He submits that in FIR No.1 dated 03.01.2013, under Section 22 N.D.P.S.Act, Police Station, Model Town, District Hoshiarpur, the recovered contraband was non-commercial in nature and sentence of approximately six months was imposed upon the petitioner, which has already been served by him.

Considering the above background and the fact that the trial is not making any headway, this Court finds that the further custody of the petitioner, who is confined in judicial custody, may not serve any useful purpose.

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/Duty Magistrate, Jalandhar.

February 08, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No