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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2735-2022 (O&M)
Date of Decision:31.08.2022

Rajan Kumar **.. Petitioner**

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-29839-2022

Application is allowed, subject to all just exceptions. Annexures P-5 and P-6 are taken on record.

CRM-M-2735-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.189 dated 29.08.2021 registered under Section 22 NDPS Act, 1985 (Section 29 NDPS Act added later on) at Police Station City Rajpura, District Patiala. The petitioner is in custody since his arrest on 29.08.2021.

As per the allegations in the FIR, when the police party was present at Sabzi Mandi Mor, Bhogla Road, Rajpura for patrolling, then one person was seen coming on his motorcycle bearing No.PB-39-H-0157 and on seeing the police party, he tried to return and fell down. He was apprehended on suspicion and the police asked his name, upon which, he disclosed his name as Rajan Kumar and on search of polythene bag held by

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him, 2500 intoxicant tablets-Clovidol-100 SR containing salt Tramadol Hydrochloride were recovered.

Learned counsel for the petitioner states that the petitioner is in custody for a long period and is not involved in any other case. Learned counsel for the petitioner submits that the co-accused of the petitioner, namely, Jaspreet Singh, who has been implicated in this case on the disclosure statement of the petitioner, has already been extended the concession of regular bail by this Court vide order dated 11.11.2021 passed in CRM-M-46677-2021 (Annexure P-3). According to him, the investigation of the case is complete and charges were framed on 22.02.2022, but no prosecution witness has been examined so far. He prays for bail.

Learned State counsel assisted by ASI Jaspal Singh, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. However, he does not dispute the fact that the co-accused has been released on regular bail. He has produced the custody certificate dated 08.08.2022 by way of affidavit of Gurcharan Singh Dhaliwal, Addl. Superintendent of Central Jail, Patiala, which indicates that the petitioner is not involved in any other case. It is also not disputed that the investigation is complete and the charges have been framed on 22.02.2022, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose, as the trial is not making any progress and its

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conclusion would consume considerable time. Apart from it, the material witnesses are police officials and at present 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.

(MANOJ BAJAJ)
JUDGE

31.08.2022
Jasmine Kaur

Whether speaking/reasoned Yes No
Whether reportable Yes No

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