

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CRM-M-3557-2022**

DATE OF DECISION: SEPTEMBER 13, 2022

MANJEET SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

2. **CRM-M-43724-2020**

RAHUL VERMA ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. ARTI KAUR, ADVOCATE
FOR THE PETITIONER IN CRM-M-3557-2022.

NONE FOR THE PETITIONER IN CRM-M-43724-2022.

MR. KUNAL MUTHREJA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

The Petitioners have filed two separate petitions under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.84 dated 4.4.2019, under Section 22, 25, 61, 85 NDPS Act, Police Station Sadar Khanna, District Khanna, who are in custody since their arrest on 4.4.2019.

The allegations contained in the FIR as noticed by the Judge, Special Court in the order dated 15.11.2019, passed in the application for bail filed by accused Manjeet Singh, are as under:-

“The perusal of the file reveals that allegations against the accused/applicant are that on 4.4.2019, 95 Avil injections 10 Mls. alongwith 95 Rexogestic injections 2

Mls. recovered from the bag occupied by accused/applicant alongwith co-accused Rahul Verma while they were found travelling on Scooter No.PB-08DY-4881, which was being driven by accused Manjeet Singh on which accused Rahul Verma was pillion rider.”

Ms. Arti Kaur, learned counsel for the petitioner has argued that as per prosecution, recovery of 95 injections of Buprenorphine Rexogesic of 2 ml. and 95 injections of Avil weighing 10 ml. were recovered from the two accused persons, namely, Manjeet Singh and Rahul Verma (petitioners), and 95 injections of Avil would not fall within the definition of Narcotics Substance. She has further argued that though the charges were framed three years back on 18.9.2019, but till date no prosecution witness has been examined so far. She prays for bail.

On the other hand, learned State counsel assisted by HC Ranjit Singh has opposed the aforesaid prayer and submitted that both these accused persons were previously also involved in a case of similar nature and in this regard, he has produced their respective custody certificates. Further, it is not disputed by learned State counsel that in all there are 13 prosecution witnesses, but none of the witnesses has been examined.

After hearing learned counsel for the parties and considering the above background, particularly their length of custody, this Court is of the opinion that further detention of the petitioners may not be useful for any purpose. No doubt, the petitioners are involved in another case of similar nature, but as per the custody certificate itself, they were extended the concession of bail. Most importantly, learned State counsel is unable to justify the long delay in actual commencement of the trial after framing of

charges on 18.9.2019, as none of the prosecution witnesses have been examined. All the material witnesses are the police officials and at present, there does not seem any possibility of their being won over.

Thus, considering the pace of the trial, but without meaning any expression of opinion on the merits of the case, it is ordered that both the petitioners be released on regular bail in the above case, subject to their furnishing requisite respective bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

September 13, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No