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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6044-2022 (O&M)
Date of Decision:06.09.2022

Inderjit Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Preetinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, 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.133 dated 29.12.2020 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhadaur, District Barnala, who is in custody since his arrest on 29.12.2020.

As per the allegations in the FIR, on 29.12.2020, when the police party was present at Teen Koni, Bhadaur for patrolling, one secret information was received that Inderjeet Singh (petitioner) and Kulwinder Singh @ Bajrangi, who are engaged in selling intoxicant tablets, are coming to village Bhadaur to sell the intoxicant tablets. Acting upon the same, accused were apprehended and upon search 2,000 tablets containing Tramadol were recovered from dicky of scooter of Inderjeet Singh and 990 tablets were recovered from the right pocket of trouser of Kulwinder Singh @ Bajrangi.

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, Kulwinder Singh @ Bajrangi, from whom 990 intoxicating tablets were recovered, has already been extended the concession of regular bail by this Court vide order dated 12.11.2021 passed in CRM-M-20061-2021 (Annexure P-2). According to him, the investigation of the case is complete and charges were framed on 20.04.2021, but only one prosecution witness has been examined out of total sixteen prosecution witnesses so far. He prays for bail.

Learned State counsel assisted by ASI Jasmail 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 05.09.2022 by way of affidavit of Baljit Singh Ghuman, Superintendent of District Jail, Barnala, which indicates that the petitioner is not involved in any other case. It is also not disputed that the charges were framed on 20.04.2021, but fifteen prosecution witnesses still remain to be examined.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner and the fact that his co-accused has been released on bail, this Court is of the opinion that his further detention behind the bars may not be necessary for any useful purpose, as the conclusion of the trial 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.

06.09.2022

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No