

CRM-27825-2022 in/and
CRM-M-6121-2022 (O&M)

1

101

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-27825-2022 in/and
CRM-M-6121-2022 (O&M)
Date of Decision:08.08.2022

FAYAZ AHAMAD ITTO

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Verma, Advocate for applicant-petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-27825-2022

This application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is pre-poned to today.

CRM-M-6121-2022 (O&M)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.73 dated 19.06.2019 registered under Section 22 Narcotic Drugs and Psychotropic Substances

Act, 1985 at Police Station Shambhu, District Patiala, who is in custody

since his arrest on 19.06.2019.

The FIR was registered on the basis of a secret information and the allegations as noticed by the Id. Judge, Special Court, Patiala in the order dated 20.08.2019 are as under:

“Brief facts, relevant for disposal of present bail application are that the applicants/accused were apprehended by the police on 20.01.2019 while travelling in truck No.JK-19-3321 and from the truck, six bags, each containing two cardboard boxes (total 12 cardboard boxes) were recovered. From 11 cardboard boxes, 120 bottles intoxicant syrup in each bag and from 12th cardboard box, 80 bottles of intoxicant syrup, total 1400 bottles of intoxicant syrup, were recovered.”

Learned counsel for the petitioner has argued that except for the present case, petitioner is not involved in any other case much less of similar nature. According to him, investigation of the case is also complete and out of total fourteen prosecution witnesses, eight prosecution witnesses have been examined so far. He prays for bail.

On the other hand, learned State counsel assisted by ASI Angrej Singh, opposes the prayer on the ground that the quantity recovered falls under commercial quantity, but does not dispute this fact that petitioner is not involved in any other case. He further states that out of total fourteen prosecution witnesses, eight material witnesses have already been examined and now the case is fixed before the trial Court for recording the remaining evidence.

After hearing learned counsel for the parties, considering above background and the advanced stage of the trial, as the same is likely to conclude in the near future, this Court is not inclined to extend the concession of regular bail to the petitioner.

Resultantly, without meaning any expression of opinion on the merits of the case, no case is made out for releasing the petitioner on regular

bail. However, the trial Court is directed to conclude the trial by February, 2023.

08.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No