

206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11008-2022 (O&M)
Date of Decision:02.09.2022

Jangir Singh @ Jagir Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rahul Arora, 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.115 dated 26.10.2019 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Mamdot, District Ferozepur, who is in custody since his arrest on 26.10.2019.

The contents of the FIR as noticed by the Judge, Special Court, Ferozepur in his order dated 07.12.2019 are as under:-

“Perusal of record it has been revealed that on 26.10.2019 Inspector Paramjit Singh alongwith other police officials were on patrolling duty for the checking of suspicious persons and when they reached Bus Adda Tibbi Khurd, then two persons were sitting on the motor cycle Bajaj CT 100 bearing RC No.PB05AE4459 who were keeping a transparent polythene bag in between them and they were apprehended by the police and upon asking they disclosed their names as Gurcharan Singh alias Jackey son of Prem Singh resident of Kulgarhi and pillion rider disclosed his name as Jangir Singh son of Mangal Singh r/o Mehal Singh Wala (non applicant) and upon searching of the said polythene bag, 100 strips of Tridol 50V.No.C11537 total 1000 capsules and intoxicant tablets Clovidol 100 SR B. NO.TVD 19294 i.e. 21 strips total 210 tablets.”

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, Gurcharan Singh @ Jackey, who was driving the motorcycle, has already been extended the concession of regular bail by this Court vide order dated 22.02.2022 passed in CRM-M-51299-2021. According to him, the investigation of the case is complete and charges were framed on 17.05.2021, but no prosecution witness has been examined so far. He prays for bail.

Learned State counsel assisted by ASI Balwant 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 by way of affidavit of Yogesh Jain, Deputy Superintendent of Central Jail, Ferozepur, 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 17.05.2021, 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 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.

02.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No