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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision : 24.08.2022

1. CRM-M-11859-2022

Gurbhej Singh

...Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-1642-2022

Jagga Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamal Narula, Advocate for the petitioner.
in CRM-M-11859-2022.

Mr. Balbir Kumar Saini, Advocate for the petitioner.
in CRM-M-1642-2022.

Mr. Kunal Muthreja, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed these separate petitions under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.26 dated 15.03.2021 under Sections 22 and 22 (C) Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS added later on) registered at Police Station Badni Kalan, District Moga, who were arrested on 16.03.2021.

As per the prosecution case, on 15.03.2021, when the police party was present at Lappo bus stand for patrolling, one secret information was received that Babbu Singh son of Amar Singh resident of

Dhurkot, being engaged in selling intoxicant tablets, would be coming to village Dudar toward Lappo on his motorcycle to sell the same. Acting upon the said information, accused was apprehended and upon his search 430 strips of tablets- Clovidol 100-SR (total 4300 tablets) were recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioners has argued that the alleged contraband (4300 intoxicant tablets) was recovered from co-accused, namely, Babbu Singh and subsequently on his disclosure statement, petitioners have been indicted as an accused. According to them, investigation of the case is complete, however, after framing of charges on 21.09.2021, no prosecution witness has been examined so far out of total 14 witnesses, therefore, further custody of the petitioners may not be necessary. They pray for bail.

On the other hand, learned State counsel assisted by ASI Tarsem Singh opposes the prayer on the ground that the quantity recovered falls under commercial quantity, however, it is not disputed that the out of 14 prosecution witnesses, no witness has been examined so far. He on instructions further states that accused-Gurbhej Singh is not involved in any other case of similar nature, however, accused Jagga Singh is involved in one more case. It is fairly conceded by learned State counsel that in the present case, no recovery was effected from the petitioners. He further states that the case is now fixed for 23.09.2022 for recording the prosecution evidence before the trial Court.

After hearing learned counsel for the parties and considering

the above background as well as custody of the petitioners, this Court finds that the conclusion of trial is likely to consume considerable time, as 14 prosecution witnesses are yet to be examined, therefore, their detention behind the bars would not serve any useful purpose, who are presently confined in judicial custody after their arrest on 16.03.2021. Apart from it, the 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 petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petitions are allowed.

(MANOJ BAJAJ)
JUDGE

24.08.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No