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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11911-2022 (O&M)
Date of Decision:04.08.2022

Nishan Singh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.219 dated 24.09.2020 registered under Sections 22-C and 27-A NDPS Act, 1985 at Police Station Sadar Tohana, District Fatehabad. The petitioner is in custody since his arrest on 24.09.2020.

As per the prosecution case, on 24.09.2020, when Police officials were going towards Village Tohana to Balayala in connection with patrol duty, two boys were seen coming on a motorcycle bearing No.HR-40-F-1665. On seeing the police, they tried to run away, however, they were apprehended on suspicion. Thereafter, driver and pillion rider, both disclosed their names as Jaswinder Singh and Nishan Singh, respectively. Upon search, 7000 intoxicant tablets (containing Tramadol Hydrochloride, Clovidol-100 SR) were recovered.

Learned counsel for the petitioner states that the petitioner is in custody for a long period and is not involved in any other case. He further

submits that the investigation of the case is complete and challan has been

presented on 24.12.2020, but charges have not been framed so far, therefore, the petitioner be released on regular bail.

Learned State counsel assisted by ASI Surender Singh, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. He, on instructions, states that the investigation of the case is complete and challan has been presented on 24.12.2020, but charges have not been framed so far. He does not dispute the fact that the petitioner is not involved in any other case.

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 yet to commence 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.

04.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No