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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-14482-2021 (O&M)  
Date of Decision:28.02.2022

Rajesh Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. S.P. Singh, Advocate for  
Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

**Manoj Bajaj, J. (Oral)**

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.273 dated 30.10.2014 registered under Section 22 NDPS Act, 1985 at Police Station Sultanwind, District Amritsar. The petitioner is in custody since his arrest on 04.02.2021.

As per prosecution, on 30.10.2014, recovery of 460 and 440 grams of intoxicant power was effected from Rajesh Kumar (present petitioner) and Rahul Kumar @ Haria respectively, who were arrested on the spot.

Learned counsel has argued that as per prosecution, 460 grams of intoxicant powder was recovered from the petitioner/accused, whereas his co-accused was carrying quantity of 440 grams of same contraband, which was recovered separately. He has pointed out that as the FSL report was not filed, therefore, the concession of interim regular bail was extended to the petitioner on 30.03.2015 and thereafter, he was again taken in custody upon filing of the

interim bail for a long period of six years and the said concession was never misused by him. He prays for bail.

Learned State counsel, assisted by ASI Gurnam Singh, while opposing the prayer on the ground that the recovered contraband falls in commercial quantity, but does not dispute this fact that the petitioner remained on interim bail for a long time. In this regard, he has produced his custody certificate by way of affidavit of Surinder Singh, Superintendent, Central Jail, Amritsar, which indicates that he is not involved in any other case of similar nature. He, on instructions, states that out of total twelve prosecution witnesses, two witnesses have 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 likely to consume considerable time to conclude. 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

28.02.2022  
*Jasmine Kaur*

**(MANOJ BAJAJ)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

|     |    |
|-----|----|
| Yes | No |
| Yes | No |