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

**CRM-M-15242-2021 (O&M)
Date of Decision:06.09.2022**

Partap Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, 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.22 dated 22.12.2018 registered under Sections 21/23/24/29 NDPS Act 1985, Section 3 Indian Passport Act, 1920, Section 14 Indian Foreigner Act, 1946 and Section 23-C NDPS Act, 1985 (Sections 34/20 Indian Passport Act, 1920 added later on) at Police Station State Special Operation Cell, Amritsar. The petitioner is in custody since his arrest on 22.12.2018.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Amritsar in the order dated 12.07.2019 are as under:

“The present FIR was registered on secret information that accused Partap Singh is having relation with Pakistani smugglers Aslam, Bhola and kept concealed heroin at border fencing, if raid is conducted, he can be apprehended. Accused was arrested, who made disclosure statement and got recovered 454 grams heroin from his possession.”

Learned counsel for the petitioner states that the petitioner is in

custody for a long period and is not involved in any other case. According

to him, the investigation of the case is complete and charges were framed on 23.07.2019, but only four prosecution witnesses have been examined out of total eighteen prosecution witnesses so far. He prays for bail.

Learned State counsel assisted by ASI Gurwinder Singh, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity, but he fairly states that the petitioner is not involved in any other case. In this regard, he has produced the custody certificate dated 05.09.2022 by way of affidavit of Surinder Singh, Superintendent of Central Jail, Amritsar. According to learned State counsel, the charges were framed on 23.07.2019, but only four prosecution 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, this Court is of the opinion that his further detention behind the bars may not be necessary for any useful purpose, as trial would 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 subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

06.09.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No