

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15196-2021

DATE OF DECISION: FEBRUARY 21, 2022

ABDUL RASHID

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PARSHANT VASHISTH, ADVOCATE
FOR MR. SAQIB ALI KHAN, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SINGH SANDHU, SR.DAG. 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.77 dated 10.6.2019, under Section 22/61/85 NDPS Act, Police Station City 1, Malerkotla, District Sangrur, who is in custody since his arrest on 10.6.2019.

The allegations contained in the FIR as noticed by the Judge, Special Court, Sangrur in the order dated 22.9.2020, are as under:-

“As per prosecution case, on 10.06.2019, a secret information was received by the police that Abdul Rasheed son of Abdul Hameed and Razia Parveen wife of Abdul Rasheed were selling intoxicant substance, who came to bazaar on their scooter bearing no.PB-13BB-0817 and upon setting up a check post near Chouhni Masjid, both could be apprehended along with intoxicant tablets. On the basis of above information, suitable nakabandi was held and accused apprehended which lead to the recovery of 3000 tablets of Alprasafe and 1000 loose capsule of Pervorin Spas from their vehicle.”

Learned counsel for the petitioner has argued that the petitioner is in custody for the last approximately 3½ years and out of total 17 prosecution witnesses, only 4 have been examined till date. He further submits that the petitioner is not involved in any other case of similar nature and similarly situated co-accused of the petitioner has already been released on regular bail by this Court vide order dated 7.8.2020, passed in CRM-M-19688-2020. He prays for bail.

On the other hand, learned State counsel assisted by ASI Satpal has opposed the aforesaid prayer on the ground that the 4000 intoxicant tablets were recovered from the petitioner and the same falls under the commercial quantity. However, it is not disputed that similarly situated co-accused has been released on regular bail.

Considering the above background, the length of custody of the petitioner and the fact similar situated co-accused has already been released on regular bail by this Court, this Court is of the opinion that further detention of the petitioner may not be necessary for any useful purpose as the petitioner is presently confined in judicial custody since 10.6.2019.

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 concerned.

The petition is allowed.

February 21, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No