

**228 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-14912-2022****Date of decision : 20.04.2022****Ishtiaq****....Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. HPS Ishar, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.84 dated 17.05.2017 under Sections 22, 29, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Kharar, District SAS Nagar, Mohali, who is in custody since his arrest on 17.05.2017.

The allegations in the FIR as noticed by the learned Judge, SAS Nagar, Mohali in the order dated 01.02.2019 are as under:-

“Brief facts of the prosecution case are that on 17.05.2017, ASI Gurdev Singh along with police officials was present at T-Point, M.J. Farm, Village Naya Shahr, where at about 6:15 PM, he received a secret information that Manwinder Singh, Ankush and Ishteyak sell intoxicating injections to the public and on that day also, above persons were sitting at a tubewell near T-Point Indus Public School Naya Shahr, Badala to sell the injections. On the basis of above secret information, a raid was conducted and the present petitioner along with Ankush, Manwinder Singh and Ishteyak were arrested. From the possession of present petitioner, 12 injections of Avil (10ml each) and 12 injections of

Buprenorphine (2ml each) were allegedly recovered. He was arrested and since then he is in custody.”

Learned counsel for the petitioner has argued that the alleged contraband (12 injections of buprenorphine and 12 injections of Avil) recovered from the petitioner falls under the non-commercial quantity. According to him, the other co-accused have already been extended the concession of regular bail by the trial Court, therefore, the petitioner also deserves the same concession. In this regard, he has invited the attention of the Court to Annexures P-2 to P-4 i.e. the order passed in respect of co-accused. He prays for bail.

On the other hand, learned State counsel assisted by ASI Karanbir Singh does not dispute the above sequence and fairly states that case of the petitioner is at par with the co-accused, who have already been released on bail. He further submits that investigation of the case is complete, however, after framing of charges on 06.07.2018, only 04 prosecution witnesses have been examined so far out of total 11 witnesses. He has further produced the custody certificate filed by affidavit of Rajdeep Singh, PPS, Additional Superintendent, Central Prison, Patiala, which indicates that petitioner is not involved in any other case of similar nature.

Considering the above background, petitioner's custody and the fact that the trial is yet to commence, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore,

further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 17.05.2017.

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/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.04.2022

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