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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16414-2021 (O&M)
Date of Decision:12.05.2022

Gurtej Singh @ Happy

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S. Brar, Advocate for the petitioner.

Harpreet Singh Multani, 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.11 dated 07.02.2021 registered under Section 22(b) NDPS Act, 1985 at Police Station Raman, Bathinda. The petitioner is in custody since his arrest on 07.02.2021.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Bathinda in the order dated 19.03.2021 are as under:

“Brief facts of the case of prosecution are that the police party headed by ASI Gurwinder Singh was going towards village Phulo Khari via Talwandi Sabo, T.Point Raman, Refinery Road, on Government vehicle Bolero bearing No.PB-03AT-0395, when they reached near Shamshanghat in the area of village Raman, it was at about 5.40p.m., A car Alto Silver colour bearing No.DL-9CJ-2391 was seen coming from the front side and the driver of the car on seeing the police party had stopped the car and tried to turn back and the car had stopped. IO had got stopped his vehicle and apprehended the car driver alongwith his car with the help of other police officials. The car driver on asking by the IO had disclosed his name as Gurtej Singh @ Happy son of Darshan Singh son of Bogha Singh, resident of near old post office, village Kot Bakhtu, P.S.Raman, District Bathinda. On the conductor side of the car, a transparent polythene was lying and its mouth was opened and the strips of intoxicated tablets were clearly visible

from the same. Information was sent to Inspector Jasvir Singh, Incharge CIA Staff-II, Bathinda on his mobile phone by IO-ASI Gurwinder Singh. Inspector Jasvir Singh reached at the spot. Further investigation was conducted by him. On search of the polythene lying on the front seat of the car, 700 tablets of Clovedol-100SR was recovered from the same, which was converted into a parcel and the same was taken into police possession vide seizure memo at the spot. Accused was arrested at the spot.”

Learned counsel for the petitioner has argued that not only the investigation of the case is complete, but even charges have been framed on 26.07.2021, however, only two prosecution witnesses have been examined out of total sixteen prosecution witnesses. He prays for bail.

Learned State counsel assisted by ASI Randhir Singh, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. He has produced the custody certificate of the petitioner by way of affidavit of Bhupinder Singh, PPS, Deputy Superintendent, Central Jail, Bathinda, which indicates that he is not involved in any other case. However, it is not disputed that the charges were framed on 26.07.2021, but only two prosecution witnesses have been examined out of total sixteen prosecution witnesses.

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. 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

to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

12.05.2022

Jasmine Kaur

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No