

222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20733-2021 (O&M)
Date of Decision:24.02.2022

Surjeet Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamal Narula, 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.130 dated 22.08.2020 registered under Sections 22 NDPS Act, 1985, Section 188 IPC Section 51(b) Disaster Management Act, 2005 at Police Station Arni Wala, District Fazilka. The petitioner is in custody since his arrest on 22.08.2020.

The FIR was registered on the basis of secret information and the allegations as noticed by the Id. Judge, Special Court, Fazilka in the order dated 10.12.2020 are as under:

“Present FIR No.130 dated 22.08.2020 was registered at police station Arniwala under Section 22 of NDPS Act & Section 188 IPC. Present case was registered against the accused-applicant and other on the ground that on 22.08.2020 in the area of police station Arniwala, 1500 Clovidol-100 SR tablets containing Tramadol salt and 760 tablets containing Alprazolam salt were recovered from the conscious possession of the accused.....”

Learned counsel for the petitioner contends that the petitioner is not involved in any other case. He submits that the charges have been

framed on 22.02.2021, but only one prosecution witness has been examined

so far out of total eighteen witnesses. He prays for regular bail.

On the other hand, learned State counsel assisted by ASI Subhash Chander, has opposed the prayer on the ground that the recovered contraband would fall within the ambit of commercial quantity. He has filed custody certificate by way of affidavit of Joginderpal Superintendent, Central Jail, Faridkot, which indicates that the petitioner is not involved in any other case.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 22.02.2021, but only one prosecution witness has been examined so far. The petitioner is presently confined in judicial custody after his arrest on 22.08.2020, therefore, further detention may not be necessary for any useful purpose, as the trial is likely to consume considerable time to conclude.

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.

24.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No