

222

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21931-2021 (O&M)
Date of Decision:14.03.2022

Darshan Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Tanvir Singh Grewal, Advocate for
Mr. Surinder Garg, 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.28 dated 13.03.2021 registered under Section 22(b) NDPS Act, 1985 at Police Station Raman, District Bathinda. The petitioner is in custody since his arrest on 13.03.2021.

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 27.04.2021 are as under:

“The case of prosecution, in brief, is that 30 tablets of Clovidol-100 SR and 920 tablets of Prozolam-0.5 was recovered on 13.03.2021 from the applicant-appellant Darshan Singh.”

Learned counsel for the petitioner has argued that the petitioner is 68 years old and is not involved in any other case of similar nature and the recovery in the present case is slightly above the non-commercial quantity. He submits that as the trial is likely to consume considerable time, his further custody may not be necessary. He prays for bail.

Learned State counsel assisted by ASI Mandar Singh, has opposed the prayer and argued that 920 intoxicating tablets containing 136 grams of Alprazolam salt were recovered from the petitioner and would fall in commercial quantity, however, it is not disputed that in all, there are eleven prosecution witnesses and only seven prosecution witnesses have been examined so far. He has further produced the custody certificate of the petitioner by way of affidavit of ND Negi, Superintendent of Central jail, Bathinda, which indicates that he is not involved in any other case of similar nature.

Considering the above background, nature and quantity of contraband as well as 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 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.

14.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No