

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21890-2021 (O&M)

DATE OF DECISION: FEBRUARY 15, 2022

SANDEEP KUMAR GHAI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.S. WARAICH, 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.13 dated 13.1.2021, under Section 22 NDPS Act, Police Station Khanna City-2, Ludhiana, who is in custody since his arrest on 13.1.2021.

As per the allegations levelled in the FIR, on 13.1.2021, when ASI Sukhveer Singh alongwith other police officials made a barricading on the road in front of Pristine Mall, Khanna, Delhi-Ludhiana Highway, a white colour Swift car bearing registration No.PB-48F-7773, was seen coming from Gobindgarh to Khanna side. On suspicion the car was stopped for checking. The driver disclosed his identity as Sandeep Kumar Ghai. On search of the car, in total 4960 intoxicant tablets and 130 intoxicant capsules were recovered. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the petitioner is not involved in any other case of similar nature, and though charges have

been framed against him on 25.8.2021, but the trial is not making any progress, as no prosecution witnesses has been examined. He has further invited the attention of this Court to the medical report (Annexure P-4) of his ailing father, who is on dialysis and submits that the petitioner being the only son deserves the concession of bail, so that he can take care of his father.

On the other hand, learned State counsel assisted by ASI Charanjit Singh has opposed the aforesaid prayer on the ground that the total recovered contraband would fall within the ambit of commercial quantity defined under the NDPS Act. However, it is not disputed that the father of the petitioner is sick and he has invited the attention of the Court to the medical status of the patient appended with the reply a Annexure R-1. He has further produced the custody certificate of the petitioner dated 15.2.2022, filed by way of affidavit of Satam Singh, PPS, Additional Superintendent, Central Jail, Ludhiana which indicates that he is not involved in any other case, much less of similar nature.

After hearing the learned counsel for the parties, custody of the petitioner and the fact that his father being unwell may require attention of the only son, and trial is yet to commence, so its conclusion would consume considerable time, therefore, further detention of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody since 13.1.2021.

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 15, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes

Whether Speaking/Reasoned : Yes/No