

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20350-2022

DATE OF DECISION: MAY 18, 2022

PARGAT SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. MANVINDER SINGH, ADVOCATE FOR THE PETITIONER.
MR. ANMOL MALIK, DAG, HARYANA.

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.220 dated 7.9.2020, under Section 22(c), NDPS Act, Police Station Kalanwali, District Sirsa, who is in custody since his arrest on 7.9.2020.

As per the allegations levelled in the FIR, on 7.9.2020, when I/SI Raja Ram alongwith other police officials was patrolling from village Trilokewala towards Dadufor, near Rajwaha culvert in the area of village Dadu, three persons were seen coming on a Silver colour motorcycle bearing registration No.HR24X-2500, make Hero Splendor, from the side of village Dadu, who on seeing the police party got perplexed and tried to turn it back, but the motorcycle stopped. On the basis of suspicion, all three of them were apprehended. The driver of the motorcycle disclosed his name as Avtar Singh @ Tari, the person sitting in the middle of the motorcycle disclosed his name as Kuldeep Kumar @ Leelu and the person sitting in the last disclosed his name as Pargat Singh. Kuldeep Singh @ Leelu was

holding a plastic bag in the middle of the motorcycle and on its search, in total 3800 intoxicant tablets were recovered. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that in total there were three occupants of the motorcycle, and the petitioner was the second pillion rider, whereas co-accused Kuldeep Kumar @ Leelu was sitting between driver Avtar @ Tari and the petitioner. Learned counsel further submits that as per the case of the prosecution, the alleged plastic bag kept in the middle of the motorcycle was held by co-accused Kuldeep Kumar @ Leelu and nothing was recovered from the conscious possession of the petitioner. He further submits that the petitioner is neither the owner nor driver of the motorcycle, and after commencement of trial, out of total 15 prosecution witnesses, only 5 witnesses have been examined so far. He prays for bail.

On the other hand, learned State counsel assisted by ASI Sukhjeet Singh has opposed the aforesaid prayer on the ground that the petitioner alongwith his co-accused were found in possession of 3800 tablets of Tramadol which falls in commercial category defined under the NDPS Act. However, it is not disputed by him that still 10 prosecution witnesses remain to be examined.

Considering the above background, the custody of the petitioner, and the fact that trial is likely to consume considerable time to conclude, further detention of the petitioner may not be necessary for any useful purpose.

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.

May 18, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No