

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20329-2022

DATE OF DECISION: MAY 18, 2022

AMANDEEP SINGH @ AMANI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: NONE 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.0051 dated 16.6.2021, under Section 22 NDPS Act (Section 29 NDPS Act added later on), Police Station, Sherpur, District Sangrur, who is in custody since his arrest on 16.06.2021.

As per the FIR, on 16.6.2021, when the police party headed by ASI Yadwinder Singh in connection with patrolling duty were going from village Ram Nagar Chhana towards village Wazidpur (Basheda) and reached 500 mts. ahead from village Barri, then at about 1:15 p.m., three persons were seen coming on one motorcycle make Hero Deluxe from the side of village Mahadpur. On seeing the police party the driver of motorcycle tried to turn his motorcycle but the motorcycle got slipped and one polythene which was tied on the handle of the motorcycle fell on the ground. They were apprehended. On enquiry, the driver of the motorcycle disclosed his name as Akhtar Ali @ Soni Khan, 1st pillion rider as Amandeep Singh @ Amni and 2nd pillion rider as Saibi Khan @ Seema Khan. On checking,

900 tablets of Tramadol Hydrochloride 100 mg. SR were recovered from them. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner is not present.

Learned State counsel has produced the custody certificate of the petitioner dated 17.5.2022, filed by way of affidavit of Jaspreet Singh, PPS, Deputy Superintendent, District Jail, Sangrur, which indicates that the petitioner is not involved in any other case of similar nature. It is also not disputed by learned State counsel that the co-accused of the petitioner who are similarly situated have already been released on bail vide order dated 4.4.2022. He further states that out of total 19 prosecution witnesses, none has been examined so far.

Considering the above background, the custody of the petitioner, and the fact that similar situated co-accused of the petitioner have been released on regular bail, this Court is of the opinion that further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude. Admittedly, the material witnesses are the 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 concerned.

The petition is allowed.

May 18, 2022

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE