

**225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-30736-2021 (O&M)

Date of decision-29.03.2022

Basant Ram

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.S.Jatana, Advocate for the petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.49 dated 18.03.2021 registered under Section 22 (C) Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station City-2 Mansa, District Mansa, who is custody since his arrest on 18.03.2021.

The allegations in the FIR, as noticed by the learned Special Court, Mansa, in the order dated 15.07.2021 are as under:-

“Accusations leading to the registration of the FIR above said, are that on 18.03.2021, the police party headed by SI Madan Gopal alongwith other police officials were going from link road, Thuthianwali to Tinkoni Mansa in connection with the patrolling. When the police party reached near wall of Electricity Grid under over bridge, police party saw a person who was having polythene of black colour in his right hand. On seeing the police party, he got perplexed and tried to run away. He was apprehended by the police party. On checking of polythene, 900 tablets of Radol-100 were recovered.”

Learned counsel for the petitioner has argued that the alleged contraband (900 tablets containing Tramadol Hydrochloride) recovered from the petitioner is marginally higher than the non-commercial quantity.

According to him, petitioner is not involved in any other case of similar nature and the investigation of the case is also complete, therefore, he be released on regular bail.

On the other hand, learned State counsel assisted by ASI Baljit Kaur has opposed the prayer and argued that the recovered contraband falls under commercial quantity, however, it is not disputed by him that the investigation of the case is complete. He has produced the custody certificate filed by way of affidavit of Arvinder Pal Singh Bhatti, Superintendent District Jail, Mansa, which indicates that petitioner is not involved in any case of similar nature. He further on instructions states that after framing of charges on 12.08.2021, no prosecution witness has been examined out of total 12 witnesses.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 18.03.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

29.03.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No