

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.31443 of 2021
Date of Decision: April 04, 2022

Akhtar Ali @ Soni Khan & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Anureet S. Sidhu, Advocate for
Mr.Amjad Khan, Advocate,
for the petitioners.

Mr.Dhruv Dayal, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.51 dated 16.06.2021, under Sections 22 and 29 N.D.P.S.Act, 1985, registered at Police Station, Sherpur, District Sangrur, who are in custody since their arrest on 16.06.2021.

As per the FIR, on 16.06.2021, when the police party headed by ASI Yadwinder Singh in connection with patrolling duty and checking of bad elements were going from village Ram Nagar Chhana towards village Wazidpur (Basheda) and when the police party reached 500 meter ahead from village Barri then at about 1:15 PM 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 and on checking, 900 tablets of Tramadol Hydrochloride 100 mg.SR were recovered from them without any permit or licence.

Learned counsel for the petitioners has argued that the petitioners are in custody for a long period and the trial is likely to consume considerable time to conclude as no prosecution witness has been examined so far, though the charges were framed on 01.02.2022. According to him, the petitioners are not involved in any other case of similar nature, therefore, considering their custodial period, they be released on bail.

On the other hand, the prayer is opposed by the learned State counsel assisted by ASI Balwinder Kumar on the ground that the recovered contraband (900 tablets of Tramadol) would fall within the ambit of commercial quantity. However, he does not dispute this fact that no prosecution witness has been examined so far. He has produced the custody certificates of the petitioners to contend that the petitioners are not involved in any other case.

After hearing the learned counsel for the parties, considering the above background and the custody of the petitioners, this court is of the opinion that the possibility of conclusion of trial in near future does not seem to be probable. Admittedly, the material witnesses are the police officials and at present there does not seem to be any possibility of their being won over, therefore, the further detention of the petitioners behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite

bail bonds/surety bonds to the satisfaction of the trial Court/Duty
Magistrate, Sangrur.

April 04, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No