

**217+109 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-36941-2021 (O&M)

Date of decision : 22.04.2022

Vivek Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saurabh Gautam, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

CRM-1579-2022

Application is allowed as prayed for.

Annexures P-7 to P-12 are taken on record.

Main case

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.4 dated 04.01.2021 under Sections 22, 61 and 85 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kiratpur Sahib, District Rupnagar, who is in custody since his arrest on 03.01.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Rupnagar in the order dated 09.08.2021 are as under:-

“Briefly, as per the allegations of prosecution, on 03.02.2021 a police party had apprehended a young person

on the basis of secret information near Dabota turning, Bharatgarh. It is alleged that from the due personal search of accused, a huge quantity 1010 tablets/contraband labelled LOMOTIL were recovered from the alleged conscious possession of the accused in this case.”

Learned counsel has argued that except for the present case, petitioner is not involved in any other case much less of similar nature. According to him, investigation of the case is complete, however, after framing of charges on 09.08.2021, only one prosecution witness has been examined so far out of total 11 witnesses, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Sushil Kumar opposes the prayer on the ground that the quantity recovered falls under commercial quantity. He has further produced the custody certificate dated 22.04.2022 filed by way of affidavit of Gurmeet Singh, Deputy Superintendent, District Jail, Rupnagar, which indicates that petitioner is not involved in any other case. He fairly states that only one prosecution witness has been examined out of total 11 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 ten prosecution witnesses remain to be examined, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 03.01.2021.

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

22.04.2022

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