

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

CRM-M-42936-2020

Date of decision : 30.05.2022

Harjio Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Gupta, Advocate for the petitioner
Mr. Ramandeep Singh Sandhu, Sr.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.98 dated 14.08.2020 under Sections 22(b) and 25 Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Moga, District Moga, who is in custody since his arrest on 14.08.2020.

As per the prosecution case, 800 tablets of Clovidol-100 SR were recovered from the conscious possession of the petitioner.

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 19.03.2021, only three prosecution witnesses have been examined so far out of total 17 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 Jaswinder Singh opposes the prayer on the ground that the quantity recovered falls under

commercial quantity. He has further produced the custody certificate filed by way of affidavit of Yogesh Jain, Deputy Superintendent, Central Jail, Ferozepur, which indicates that petitioner is not involved in any other case. He fairly states that only three prosecution witnesses have been examined out of total 17 witnesses.

After hearing learned counsel for the petitioner, considering the above background, custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as fourteen 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 14.08.2020. Apart from it, the material witnesses are 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 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

30.05.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No