

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

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CRM-M-48213-2021

Date of Decision: 08.02.2022.

Surinder Sharma @ Sonu

....Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

.....

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Ramandeep 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.65 dated 28.03.2021 under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station City Samana, District Patiala, who is in custody since his arrest on 28.03.2021.

The above FIR was registered on the basis of a secret information, wherein it was disclosed that during checking accused-Surinder Sharma @ Sonu son of Rajinder Nath was found in conscious possession of contraband i.e. 1900 tablets of Tramadol. On these broad allegations, FIR was registered.

Learned senior counsel for the petitioner has argued that 1900 tablets of Tramadol were recovered from the petitioner and on completion of the investigation the final report was filed on 27.08.2021. According to him, the prosecution has implicated other accused under Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, who was granted

pre-arrest bail and qua him the supplementary final report is yet to be filed. He further states that the petitioner is not involved in any other case of similar nature, therefore he be released on regular bail during the pendency of the trial.

On the other hand, learned State counsel while opposing the prayer has argued that the recovered contraband falls within the ambit of commercial quantity. However it is not disputed that the petitioner is not involved in any other case of similar nature. He further states that the charges against the petitioner are yet to be framed.

Considering the above background, petitioner's custody and the fact that the trial is yet to commence and would take considerable time to conclude therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 28.03.2021. The material witnesses are police officials and 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 concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

08.02.2022.

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Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No