

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44043-2020

DATE OF DECISION: FEBRUARY 21, 2022

PREM SINGH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. A.P. BHANDARI, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

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.196 dated 14.8.2020, under Section 22(C), 27A, NDPS Act, Police Station City Ratia, District Fatehabad, who is in custody since his arrest on 14.8.2020.

As per the allegations levelled in the FIR, on 14.8.2020, when a police party headed by SI Mahender Singh was patrolling in a vehicle and were going towards Bus Stand Ratta Khera from the phirni of village Ratta Khera, near the Water Course bridge, one person was seen coming on a motorcycle, who on noticing the police vehicle got perplexed and as he tried to turn his motorcycle towards eastern side of Rajbaha track, the motorcycle stopped. On suspicion, he was apprehended and a blue colour polythene bag containing strips of tablets lying in between the legs was found in his possession. On enquiry, he disclosed his identity as Prem son of Jeet Singh. In the presence of Ramesh Kumar, BDPO, Ratia, total 880 intoxicant tablets were recovered from the polythene bag found in his possession. On these

broad allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the petitioner was arrested on 14.8.2020 for having in his possession 880 intoxicant capsules and thereafter the trial in the case did not progress as the charges have been made framed only on 17.2.2022. He submits that though the petitioner is involved in another case similar nature, i.e. FIR No.99 dated 7.5.2020, under Section 21A, 27A, NDPS Act, Section 188, 269 IPC and Section 51(b) of Disaster Management Act, 2005, Police Station City Ratia, District Fatehabad, but in the said case, recovery of 0.05 gm. of herion was recovered from his co-accused and the petitioner was implicated on the basis of disclosure statement of the said accused, wherein he is on bail. He prays for bail.

On the other hand, learned State counsel assisted by ASI Krishan Kumar has opposed the aforesaid prayer on the ground that the petitioner was on bail in previous case and has committed this crime. However, it is not disputed that in earlier case no recovery was effected from the petitioner. According to him, in the present case, there are in all 17 witnesses, but no witness has been examined, and the case is coming up for recording prosecution evidence before the trial Court on 14.4.2022.

Considering the above background, the length of custody of the petitioner and the fact that the trial would take considerable time to conclude, the further detention of the petitioner may not be necessary for any useful purpose who is presently confined in judicial custody since 14.8.2020.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 21, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No