

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-48895-2021

Date of Decision: 21.7.2022

Som Dass alias Goru

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ajay Kamboj, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0060 dated 27.6.2019 registered for the offences punishable under Sections 22 of NDPS Act at Police Station Sadar Abohar, District Fazilka.

As per allegations appearing on the record, 2500 intoxicant tablets containing tramadol hydrochloride salt were recovered from the possession of the petitioner and co-accused Nirmal on 27.6.2019 while they were travelling on a motorcycle. The petitioner is in custody since then.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody for the last more than 2 years and 7 months and is not involved in any other criminal case. He further contends that it will take time for the trial to conclude and co-accused Nirmal who is facing similar charges has already been granted regular bail by this Court vide order dated 16.5.2022 in CRM-M-2242-

2021.

Present petition has been opposed the State counsel who furnished the custody certificate and has not disputed the fact that the petitioner is in custody for the last more than 2 years and 10 months and is not involved in any other criminal case. Admittedly, the trial is going on and it will take time for the trial to terminate. Further, co-accused Nirmal has been granted regular bail by this Court vide order dated 16.5.2022 and while passing the said order, this Court observed that as per copy of the challan submitted by the police under Section 173 Cr.P.C., it is not clear as to whether the aforesaid contraband was recovered from the conscious possession of the accused.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 21, 2022

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No