

113

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-19170-2022 in/and  
CRM-M-49855-2021 (O&M)  
Date of Decision:30.05.2022

AMAR @ BABY

..Applicant/Petitioner

Vs.

STATE OF PUNJAB

..Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Jashandeep Singh Sandhu, Advocate  
for applicant-petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

**Manoj Bajaj, J. (Oral)**

**CRM-19170-2022**

The instant application is for pre-poning the date of hearing of  
the main petition to an early date.

Notice in the application.

At this stage, Mr. Sandeep Singh Deol, DAG, Punjab accepts  
notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to  
today.

**CRM-M-49855-2021 (O&M)**

Petitioner has prayed for grant of regular bail under Section 439  
Cr.P.C, pending trial in case FIR No.78 dated 09.09.2019 registered under  
Section 22 NDPS Act, 1985 at Police Station SGN Dev Thermal Plant  
Bathinda. The petitioner is in custody since his arrest on 09.09.2019.

The FIR was registered on the basis of secret information and the

allegations as noticed by the Id. Special Court, Bathinda in the order dated 06.05.2021 are as under:

*“As per the story of the prosecution, on 09.9.2019, SI Paramjit Singh along with other police officials was going from Ghanaiya Chowk towards Rose Garden Chowk and when the police party was going on the road leading by the side of Rose Garden towards Jogger Park, the accused was apprehended on the basis of suspicion. From the polythene recovered from the accused/applicant, 14 Wincirex vials of 100 mls each were recovered.”*

Learned counsel for the petitioner states that the petitioner is in custody for a long period and is not involved in any other case. He further submits that the investigation of the case is complete and charges have been framed on 12.02.2020, but only two prosecution witnesses have been examined out of total fourteen prosecution witnesses, therefore, the petitioner be released on regular bail.

Learned State counsel assisted by ASI Vishnu Das, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. He, on instructions, states that the investigation of the case is complete and charges have been framed on 12.02.2020, but only two prosecution witnesses have been examined out of total fourteen prosecution witnesses. He has produced the custody certificate of the petitioner by way of affidavit of Inderjeet Singh Kahlon, PPS, Additional Superintendent, Central Jail, Bathinda, which indicates that he is involved in one more case under NDPS Act.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for

any useful purpose. 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 in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

30.05.2022  
*Jasmine Kaur*

(MANOJ BAJAJ)  
JUDGE

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |