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

**CRM-M-226-2022 (O&M)
Date of Decision: 22.11.2022**

Parminder Singh @ Bagga

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Kunal Muthreja, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.204 dated 01.10.2020 registered under Section 22-C NDPS Act 1985 at Police Station Talwandi Sabo Bathinda, District Bathinda. The petitioner is in custody since his arrest on 01.10.2020.

The allegations as noticed by the Addl. Sessions Judge, Bathinda in the order dated 14.01.2021 are as under:

“Record perused which shows that as per version of prosecution on 01.10.2020, SI Sukhjinder Singh was on checking and when he was proceeding from Talwandi Sabo to Bhagi Wander via link road of village Chathewala, then two clean shaven persons were found searching an envelope near the kotha constructed in the fields. On seeing the police party, they tried to slip away, throwing the envelope at the spot. On suspicion, SI apprehended those persons (applicant/accused Parminder Singh alias Bagga) and Amrit Singh (non applicant). Strips of intoxicating tablets were found visible in the said envelope and on search of the same, 1780 intoxicant tablets of Tredol-100, 2980 intoxicant tablets of Clovidol 100 SR (total 4760 tablets) were recovered.”

Learned counsel for the petitioner has argued that as per allegations in the FIR itself, the recovery of intoxicant tablets was effected from an envelope, which is stated to be thrown by two accused persons, therefore, it would be debateable, if the said contraband was in the conscious possession of the petitioner. According to him, the investigation of the case is complete and charges were framed on 19.02.2021, but only two prosecution witnesses have been examined out of total ten prosecution witnesses so far. He prays for bail.

Learned State counsel assisted by ASI Jagtar Singh, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity, but he fairly states that the petitioner is not involved in any other case. According to learned State counsel, the charges were framed on 19.02.2021, but only two prosecution witnesses have been examined so far out of total ten prosecution witnesses.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, this Court is of the opinion that his further detention behind the bars may not be necessary for any useful purpose, as trial would consume considerable time to conclude. 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

The petition is allowed.

22.11.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No