

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-4157-2023

Date of Decision: 28.03.2023

RINKU @ RANKU KUMAR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Raghav Soni, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

DEEPAK MANCHANDA J. (ORAL)

Instant petition has been filed under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 121 dated 15.06.2022 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1959 at Police Station Sultanpur Lodhi, District Kapurthala.

Learned State counsel has filed custody certificate of the petitioner, which is taken on record.

Contents of the FIR are that on 15.06.2022 the police party while on patrolling saw a person coming on foot, who on seeing the police party got perplexed upon seeing the police party and took out a polythene from his right pocket of his pants and threw the same on the grass. On suspicion, he was apprehended and on search, 102 grams of intoxicant i.e. Alprazolam powder was recovered from him.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present FIR and has clean antecedents. He contends that as per the case of the prosecution, it would be a matter of trial

whether the petitioner was in possession of alleged contraband or not. He submits that the petitioner is in custody since 15.06.2022, and challan has been presented, and the charges have also been framed on 02.12.2022. However, no prosecution witnesses has been examined till date. He prays for bail during the pendency of the trial.

On the other hand, learned State Counsel has opposed the aforesaid prayer on instructions from ASI Avtar Singh that the petitioner was arrested from the spot. However, he does not dispute that the challan has been presented and the charges have also been framed.

Having heard learned counsel for the parties and gone through the case file and custody certificate filed by learned State counsel, it is significant to note that the petitioner is in custody for a period of 09 months and 15 days and no other case is pending against him. Since, the challan stands presented and charges have also been framed, however, no prosecution witness has been examined till date. Therefore, no useful purpose would be served by keeping the petitioner in further incarceration.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making 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 concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

28.03.2023
sapna

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No