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

**CRM-M-5234-2023 (O&M)
Date of Decision: 18.04.2023**

Rashpal Singh @ Taini

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Navraj Singh Mahal, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, 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.101 dated 21.09.2019 registered under Section 22 NDPS Act, 1985 at Police Station Division No.1, Police Commissionerate, Jalandhar, District Jalandhar. The petitioner is in custody since his arrest on 21.09.2019.

The FIR was registered on the basis of a secret information and the allegations as noticed by the learned Judge, Special Court, Jalandhar in the order dated 11.02.2020 are as under:

“Perusal of the FIR and as per the case of the prosecution, police party headed by ASI Devi Chand for the purpose of patrolling and checking of bad elements was present at Nandanpur Road, Maqsudan, Jalandhar. One Hindu Gentleman was seen coming from the side of Jawala Nagar Maqsudan and he was carrying a big black coloured envelope in his hand and on seeing the police party he had tried to reiterate back. On the basis of suspicion accused was apprehended and he disclosed his name as Rashpal Singh @ Taini son of Kashmir Singh. On search of envelope carried by the accused 140 injections 2 ml each of Rexogesic, 380 tablets of Tramadol (Tori-SR) and 15 injections of 10 ml each of Avil were recovered.”

Learned counsel for the petitioner has argued that the petitioner is in custody for a long time and he is not involved in any other case of similar nature. He states that the charges were framed on 05.03.2020, but as only four prosecution witnesses have been examined so far out of total ten prosecution witnesses, therefore, he prays for regular bail, as trial would take considerable time to conclude.

Learned State counsel assisted by ASI Gurjit Singh has opposed the prayer on the ground that large quantity of contraband was recovered from the petitioner's possession, which falls within the ambit of commercial quantity. However, it is not disputed by learned State counsel that the petitioner is not involved in any other case of similar nature and six prosecution witnesses are yet to be examined.

After hearing the learned counsel for the parties and considering the above background, this Court is not inclined to extend the concession of regular bail to the petitioner at this stage, who according to the prosecution was carrying commercial quantity of narcotic substance. Besides, only few witnesses remain to be examined on behalf of the prosecution, therefore, it cannot be said that the trial would take long time to conclude.

Petition is dismissed.

18.04.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No