

215

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

CRM-M-13166-2023 (O&M)

Date of Decision: 22.03.2023

Kuldeep Singh @ Shanty

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Choksi, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. 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.105 dated 29.06.2020 registered under Sections 22/25/61/85 at Police Station City Khanna, District Ludhiana. The petitioner is in custody since his arrest on 29.06.2020.

As per prosecution case, recovery of 3920 intoxicating tablets of Alprazolam were recovered from Tata Manza car bearing No.RJ-31CA-2313, which was driven by petitioner-Kuldeep Singh @ Shanty and Karnail Singh was a passenger and both were arrested on the spot.

Learned counsel for the petitioner states that the petitioner is in custody for a long period and is not involved in any other case of similar nature. Learned counsel for the petitioner submits that the co-accused of the petitioner, namely, Karnail Singh has already been extended the concession of regular bail by this Court vide order dated 17.03.2023 passed in CRM-M-56057-2022. He prays for bail.

Learned State counsel assisted by ASI Mukhtar Singh, has opposed the prayer on the ground that the alleged contraband recovered from the petitioner falls within the ambit of commercial quantity. However,

he does not dispute the fact that the co-accused has been released on regular bail. He has produced the custody certificate dated 21.03.2023 by way of affidavit of Kanwar Surteg Singh, PPS, Deputy Superintendent of Central Jail, Ludhiana, which indicates that the petitioner is not involved in any other case of similar nature. He, on instructions, states that out of fourteen prosecution witnesses, only one witness has been examined so far, whereas three have been given up.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner and the fact that his co-accused has been released on bail, this Court is of the opinion that his further detention behind the bars may not be necessary for any useful purpose, as the conclusion of the trial would likely to consume considerable time, as only one prosecution witness has been examined so far. 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 of the trial Court concerned.

The petition is allowed.

22.03.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No