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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18240-2022

Date of decision : 13.03.2023

Gangadhar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Navneet Kumar, Advocate for
Mr. Deepanshu Matya, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.92 dated 05.07.2021 registered under Section 18 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar, Rupnagar, who is in custody since his arrest on 05.07.2021.

The allegations in the FIR as noticed by the learned Judge, Additional Sessions Judge, Rupnagar in the order dated 07.09.2021 are as under:-

“The present case has been registered on a secret information received by the Investigating Officer to the effect that on 5.7.2021, the police party headed by SI Manjit Singh were on patrolling duty in the area of village Bangala for checking of suspicious elements. It was about 4.30 PM. The informer stated that accused Gangadhar son of Nane Lal resident of Balera, Police Station Faridpur District Baroli (UP) was indulging in selling the opium and if apprehended, then large quantity of opium could be recovered from him. Finding the information to be true, police barricade was laid and accused Gangadhar was apprehended. 2KG-600 grams opium was recovered from his possession. He could not produce any permit or license for

having possession of the same. On the basis of the aforesaid recovery, the present case was registered against the applicant/accused.”

Learned counsel for the petitioner has argued that the alleged contraband (2 kg 600 grams opium) recovered from the petitioner is marginally higher than the non-commercial quantity. According to him, petitioner is not involved in any other case of similar nature and the investigation of the case is also complete, therefore, he be released on regular bail.

The prayer is opposed by learned State counsel assisted by ASI Gurnam Singh, who argued that the recovered contraband falls under commercial quantity, however, it is not disputed by her that the investigation of the case is complete. She has produced the custody certificate filed by way of affidavit of Anmoljeet Singh, Deputy Superintendent District Jail, Ropar, which indicates that petitioner is not involved in any case of similar nature. She further on instructions states that after framing of charges on 28.02.2022, only six prosecution witnesses have been examined out of total 15 witnesses.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as nine prosecution witnesses still remain to be examined, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 05.07.2021. Apart from it, the remaining prosecution 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/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

13.03.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No