

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

CRM-M-17268-2023

Date of decision : 19.04.2023

Raman Singh @ Ladu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Sandhu, Advocate for the petitioner.
Ms. Jasleen Kaur Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this fourth petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.43 dated 27.06.2019 registered under Sections 21 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Khalra, District Tarn Taran, Punjab, who is in custody since his arrest on 27.06.2019.

As per prosecution version, on 27.6.2019, when police party during patrolling and in search of bad elements was present at Madi Udhoke, Darajke Road, T-point Bheni Massa Curve, they spotted a motorcycle with three riders. Upon seeing the police party, the driver of the motor-cycle immediately stopped the motor-cycle and tried to turn back. As a result of which, the motor-cycle got slipped and they fell down. The driver of the motor-cycle quickly managed to escape from the spot. Rest two persons were apprehended by the police. Then one of the apprehended persons tried to take out something from right pocket of his trouser and tried to throw that. He was immediately caught hold by the police alongwith that polythene in his hand.

On asking, he disclosed his name as Raman @ Ladu (petitioner) and the

second person revealed his name as Sandeep Singh. On search of the polythene, which accused Raman (petitioner) was carrying in his hand, 300 grams of heroin was recovered.

Learned counsel for the petitioner submits that the petitioner is in custody for a period of more than three years and his one of the co-accused, namely, Sandeep has already been released on bail vide order dated 22.11.2019. He has further pointed out that after framing of charges on 22.01.2020, no prosecution witness has been examined so far out of total nine witnesses. Learned counsel submits that the petitioner is not involved in any other case of similar nature. He prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Balwinder Singh, who argued that the recovery from the petitioner was commercial in nature as per the NDPS Act. Learned State counsel has produced the custody certificate dated 18.04.2023 by way of affidavit of Kanwar Surteg Singh, PPS, Deputy Superintendent, Central Jail, Ludhiana, which indicates that petitioner is involved in four other cases under Prisons Act, however, it is not disputed that no prosecution witness has been examined so far. She prays that the petitioner does not deserve the concession of bail.

After hearing learned counsel for the parties and considering the above background, custody of the petitioner and the fact that trial is yet to commence, this Court is of the opinion that further detention of the petitioner behind the bars would not be justifiable as the trial is to take considerable time to conclude. Apart from it, the 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.

19.04.2023

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No