

**CRM-M-18298-2022 (O&M)
Date of decision-24.01.2023**

Sona Singh @ Sonu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.3 dated 11.01.2021 registered under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Abohar, District Fazilka, who is in custody since his arrest on 11.01.2021.

The allegations in the FIR as noticed by the learned Judge, Special Court, Fazilka in the order dated 23.02.2021, while rejecting the bail application of the petitioner, are as under:-

“Present FIR No.03 dated 11.01.2021 was registered at P.S.Sadar Abohar under Section 22 of Narcotic Drugs and Psychotropic Substances Act. Present case was registered

against the applicant-accused on the ground that on 11.01.2021 in the area of police station Sadar Abohar, 2500 intoxicant tablets were recovered from the possession of accused.”

Learned counsel for the petitioner has argued that as per the prosecution, 2500 intoxicating tablets were recovered from the petitioner, who was a pillion rider on two wheeler driven by co-accused, namely, Gurjant Singh @ Ajay and at the time of recovery both were arrested. He submits that the above mentioned co-accused has already been released on regular bail by this Court vide order dated 13.12.2022 passed in CRM-M-12290 of 2022. He further states that despite issuance of warrants, the prosecution witnesses are not appearing and in this regard, he has produced the zimni orders passed by the trial Court. He submits that the petitioner is not involved in any other case, much less of similar nature. He prays for bail.

On the other hand, learned State counsel assisted by ASI Lekh Raj has opposed the prayer on the ground that the recovered quantity is commercial in nature as per the provisions of NDPS Act, however, she does not dispute this fact that the petitioner is not involved in any other similar case. She on instructions states that there are 16 prosecution witnesses and so far only 6 witnesses have been examined. The next date before the trial Court is 20.01.2023 for recording the prosecution evidence.

After hearing learned counsel for the parties, considering the above background as well as the custody of the petitioner and the fact that

the co-accused of the petitioner has already been granted regular bail, this Court is of the opinion that the further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 11.01.2021. Further, conclusion of trial is likely to consume considerable time, as ten prosecution witnesses still remain to be examined by prosecution, who 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.

24.01.2023

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(MANOJ BAJAJ)
JUDGE

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