

2023:PHHC: 152020

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

110+241

CRM-M-35932-2023 (O&M)

Date of decision: 29.11.2023

Money

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. R.S. Waraich, Advocate for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab

VIKAS SURI, J.

CRM-42283-2023

Learned counsel for the petitioner-applicant submits that the present application for preponing the date of hearing of the main case has been rendered infructuous as the main case is listed for today and in view of the same, he does not press the same.

Dismissed as not pressed.

CRM-M-35932-2023

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.59 dated 23.04.2023, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Sections 307, 332, 353

& 186 IPC, registered at Police Station Doraha, Police District Khanna, District Ludhiana.

2. Learned counsel for the petitioner submits that as per prosecution version in the FIR, when the police party had laid a naka, the petitioner along with co-accused came riding pillion on a motorcycle and on seeing the police party, they tried to escape from the spot by speeding away. When ASI Sukhdev Singh came forward to stop them, the motorcycle being driven by co-accused dashed into him causing serious injuries. ASI Sukhdev Singh suffered head injury which has been declared dangerous to life. On search being conducted, 70 gms of heroin was recovered from under the seat of the motorcycle.

3. Learned counsel for the petitioner has argued that petitioner was not driving the motorcycle and as such, the offence under Section 307 IPC is not attributed to him. Moreover, on account of fall from the motorcycle at the spot, the petitioner had suffered injury on his right leg as well as on the left knee. From the aforesaid, it is evident that petitioner had no control over the motorcycle. The petitioner is in custody since 23.04.2023. The investigation is complete; challan stands presented; charges have been framed and the trial is at the stage of prosecution evidence, conclusion of which would take considerable time.

4. Learned State counsel while placing on record the custody certificate of the petitioner dated 28.11.2023 has opposed the prayer for grant of regular bail. It is submitted that petitioner is involved in two other criminal cases out of which one is under the NDPS Act. However,

the factual aspects of the case have not been disputed. It is also not disputed that petitioner is on bail in the said cases. As per custody certificate, petitioner has already undergone 07 months and 06 days incarceration.

5. Heard learned counsel for the parties and considered the rival contentions.

6. Keeping in view all the aspects and the fact that the alleged recovery falls within the ambit of non-commercial quantity; the investigation is complete; challan stands presented, charges have been framed; the period of custody and that conclusion of the trial would take considerable time, no useful purpose would be served by detaining the petitioner behind bars for an indefinite period, the present petition deserves to be accepted.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing personal-bond and surety to the satisfaction of the concerned Jurisdictional Magistrate/Trial Court/Duty Magistrate.

8. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly.

9. However, any observation made herein-above shall not be construed as an expression of opinion on the merits of the case.

November 29, 2023
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No