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

CRM-M-54095-2022

Date of decision : 24.03.2023

Harmanbir Singh @ Harman

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.137 dated 20.10.2020 registered under Sections 21, 25 and 29 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Special Task Force, District SAS Nagar, who is in custody since her arrest on 20.10.2020.

As per the prosecution case, on 20.10.2020, secret information was received by Police officials that Sonu Kumar @ Sonu and Lakhwinder Singh @ Lakha are engaged in business of selling heroin from jail and today, Sonu sent his companion Ishant Kumar @ Ishu to Amritsar for selling the heroin to Lakhwinder Singh through Karanbir Singh @ Karan and Harmanbir Singh @ Harman. As per information, Ishant Kumar @ Ishu would come in white i-20 car, whereas Karanbir Singh @ Karan and Harmanbir Singh @ Harman would come on black motorcycle Hero Splendor bearing No.PB-02-

CK-1080. Acting upon the same information, barricading was done near Daburji bypass at Golden gate. Thereafter, all accused persons were apprehended on suspicion. Upon search, 262 grams of heroin was recovered from the left seat of i-20 car bearing registration no.PB-03-AS-8463. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the recovered contraband i.e. 262 grams heroin is marginally above the commercial quantity i.e.250 grams, which also includes the weight of polythene bag, wherein it was kept. Further, it is pointed out that the co-accused of the petitioner, namely, Karanbir Singh has already been released on bail vide order dated 08.09.2022 (Annexure P-4). He submits that as per the prosecution, the petitioner alongwith his co-accused, namely, Karanbir Singh @ Karan were on motorcycle bearing No.PB-02-CK-1080, whereas contraband was recovered from car bearing No. PB-03-AS-8463, driven by the other co-accused. He prays for bail.

On the other hand, learned State counsel assisted by ASI Manoj Singh opposed the prayer on the ground that the commercial quantity of the contraband is recovered from the accused persons. She has produced the custody certificate dated 23.03.2023 filed by way of affidavit of Kanwar Surteg Singh, PPS, Deputy Superintendent, Central Jail, Ludhiana, which shows that the petitioner is involved in some other cases under Indian Penal Code. However, it is not disputed by learned State counsel that the petitioner is not involved in any other case of similar nature and his co-accused is already on bail. She on instructions further states that after framing of charges on 13.09.2022, no prosecution witness has been examined and the case is now fixed before the

trial Court for recording the prosecution witnesses on 18.04.2023.

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 the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after her arrest on 20.10.2020. 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.

(MANOJ BAJAJ)
JUDGE

24.03.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No