

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218 CRM-M-20917-2024
Date of Decision.:03.05.2024

Emmunuel Ogunbodede RichardPetitioner
Vs.
State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Sharma, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.74 dated 27.02.2021 registered under Sections 21, 29 of NDPS Act & Section 14 of Foreigners Act registered at Police Station City Kharar, S.A.S. Nagar, Punjab.

2. As per the prosecution allegations, 01 Kg of Heroin wrapped in a plastic bag was recovered from a Wagon-R car being driven by co-accused Vakil Hassan and in which the petitioner was also sitting.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that co-accused Vakil Hassan has already been allowed bail by this Court vide order dated 06.11.2023 passed in CRM-M-57059-2022 (Annexure P-2); that petitioner is in custody for the last more than 03 years; that trial may take time to conclude and so, he be allowed bail.

4. Notice of motion.

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5. Mr. Sahil R. Bakshi, AAG, Punjab accepts notice on behalf of respondent- State.
6. Learned State counsel could not refute any of the aforesaid contentions.
7. The custody certificate placed on record by learned State counsel would reveal that petitioner is in custody for the last 03 years 02 months and 01 day. Petitioner has no other criminal case pending against him. Learned State counsel, on instructions from SI Balwinder Singh, also informs that out of 21 witnesses cited by the prosecution, 02 have been completely examined; whereas examination-in-chief of 02 other witnesses has been recorded. Thus, trial is likely to take long time to conclude.
8. Having regard to the above facts and circumstances, and the long incarceration of petitioner in custody and also on the basis of parity, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.
9. Apart from the usual terms and conditions, petitioner is directed to surrender his passport before the Court concerned at the time of furnishing bail bonds.

(DEEPAK GUPTA)
JUDGE

May 03, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No