

Law Today Live Doc. Id. 15243

PUNJAB AND HARYANA HIGH COURT

Before: Hari Pal Verma, J.

CRM-M-15552-2020

Decided on: 17.08.2020

Roshan Singh Alias Roshi

Petitioner

Versus

State of Punjab

Respondent

Present:

Mr. Naveen Sharma, Advocate, for the petitioner.

Mr. V.G. Jauhar, Senior DAG, Punjab.

Narcotic Drugs and Psychotropic Substances, Act, 1985 (61 of 1985), Section 22 -- Code of Criminal Procedure, 1973 (2 of 1974), Section 439 -- NDPS matter -- Regular bail -- 1300 tablets of Tramadol Hydrochloride total weight comes to 546.169 grams recovered -- Petitioner is in custody since 28.01.2020 -- Challan has been presented and charges are yet to be framed -- Since trial in the case is not likely to be concluded in the near future and there being no other case against the petitioner -- Petition allowed, petitioner admitted on regular bail.

(Para 3-7)

HARI PAL VERMA, J. (ORAL) –

1. The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

2. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.13 dated 23.01.2020 registered under Section 22 of NDPS Act at Police Station Nathana, District Bathinda.

3. As per FIR, 1300 tablets of Tramadol Hydrochloride were recovered from the possession of the petitioner and the total weight comes to 546.169 grams.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 28.01.2020. Challan has been presented in the case on 12.06.2020. There is no other case pending against the petitioner. He further submits that the petitioner was arrested after 5 days of alleged recovery and in fact he was picked up from his house. He has no concern with the contraband and rather he is the victim of the atrocities of the police. It is not possible to fled away from the spot when the police party consisting of 5 persons was there at the checking point.

5. Learned State counsel has filed the custody certificate, which is taken on record. He does not dispute the custody and the fact that there is no other case against the petitioner.

6. I have heard learned counsel for the parties.

7. Petitioner is in custody since 28.01.2020. Challan has been presented

and charges are yet to be framed. Since trial in the case is not likely to be concluded in the near future and there being no other case against the petitioner, this Court deems it appropriate to admit him on bail.

8. Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

Petition allowed.
