

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

CRM-M No. 8792 of 2015 (O&M)
Date of decision: 13.05.2015.

Sukhwinder Singh @ Sukha and another Petitioners.

Versus

State of Punjab Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present:- Mr. Harkeerat Singh, Advocate, for the petitioners.

Mr. K.S. Pannu, DAG, Punjab, for the respondent.

NAVITA SINGH, J. (ORAL)

Charge-sheet stands filed against the petitioners. Earlier, charge-sheet was filed against co-accused Lohara Singh and Hans Raj.

Lohara Singh is the father of petitioner – Sukhwinder Singh @ Sukha while Hans Raj is the father of petitioner – Sukhdeep Singh @ Bunty. Five witnesses were examined after filing of challan against other two accused, but after filing of the challan against the petitioners the trial will have to be held afresh.

It is submitted by counsel for the petitioners that Lohara Singh and Hans Raj, who were apprehended at the spot allegedly with the contraband, i.e. 140 kgs poppy husk, have already been granted bail while the petitioners are in custody.

State counsel submits that other two accused were granted bail under Section 167 (2) of the Code of Criminal Procedure.

The petitioners were arrested on 22.12.2014 and are in custody since then.

State counsel submits that two cases under the NDPS Act, one under the Indian Penal Code and one under the Punjab Excise Act, are pending against petitioner – Sukhwinder Singh @ Sukha.

Counsel for the petitioners, however, has shown copy of judgments in the NDPS Act where petitioner - Sukhwinder Singh @ Sukha was acquitted.

Since co-accused are on bail and the trial has yet not begun due to challan against the petitioners having been filed recently, the request of the petitioners for bail is allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of the trial Court.

(NAVITA SINGH)
JUDGE

13.05.2015
Ramesh