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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 26282 of 2017 (O&M)
Date of Decision: 22.11.2017

Sukhwinder Singh @ Varinder Singh @ Ballu Petitioner
Versus
State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. B.S. Kathuria, Advocate,
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.37526 of 2017:

Ld. Counsel for the applicant-petitioner is permitted to place on record certified copy of the judgment in N.D.P.S. Case No.106 of 2016, dated 21.09.2017, of the Court of the Ld. Judge Special Court, S.B.S. Nagar (Annexure P-2).

Application stands disposed off.

CRM-M No. 26282 of 2017:

The instant petition has been filed by the petitioner Sukhwinder Singh @ Varinder Singh @ Ballu under Section 439 of the Code of Criminal Procedure to seek regular bail in case F.I.R. No. 49, dated 18.04.2013, registered under Sections 15/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Mahilpur, District Hoshiarpur.

2. Perused Annexure P-2.

3. It transpires that the petitioner has been acquitted in the F.I.R. Case No. 20, dated 16.02.2010, referred to in the earlier order passed on 14.11.2017.

4. Admittedly, the petitioner is not the owner of the godown/premises, from where the recovery was effected.

5. There is no record of the petitioner's involvement in any other case under the Narcotic Drugs and Psychotropic Substances Act, 1985.

6. It transpires that the owner of the premises has since been apprehended and is facing trial now.

7. Admittedly, the petitioner was not even arrested from the spot. On the contrary, his custody was taken on the strength of a production warrant, while he was already in detention in connection with the earlier case.

8. As such, considering the long detention, exceeding one and a half years, undergone by the petitioner, his further imprisonment at this stage is not justified.

9. In view of above, the present petition is allowed and the petitioner, namely Sukhwinder Singh @ Varinder Singh @ Ballu son of Parduman Singh, is directed to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Ld. Chief Judicial Magistrate concerned.

22.11.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No