

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 8634 of 2019
Date of Decision:.01.03.2019

Sukhwinder Singh @ Sukhi Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rahul Vats, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.99 dated 01.06.2018, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Jhansa, District Kurukshetra.

The brief facts of the case are that on 01.06.2018, during patrolling and crime detection in the area of village Jhansa, SI Sukhbir Singh had apprehended petitioner and 9 grams of smack (heroin) was recovered from a polythene being carried in right pocket of his trouser without any permit or licence. Consequently, petitioner was arrested and during interrogation, made a disclosure statement that he had purchased 10 grams

of smack (heroin) from co-accused Ranjeet Singh @ Jeeta son of Joginder

Singh, caste Jat Sikh, resident of Salpani Kalan, Police Station Jhansa, District Kurukshetra for a sum of ₹5,000/-.

It is contended by learned Counsel for the petitioner that the petitioner is in custody since 30.06.2018 and alleged recovery is only 9 gms of smack (heroin). Further contends that initially the petitioner was arrested on 01.06.2018 but granted the concession of bail by learned Special Court on 05.10.2018 and he never mis-used the concession of interim bail and thereafter, on receipt of FSL report, he surrendered on 07.02.2019 and since then he is in custody.

On the other hand, learned State Counsel, on instructions from SI Sukhbir, has opposed the bail application and submitted that challan has already been presented and now the case is fixed for recording of prosecution evidence on 22.04.2019.

Heard both sides and perused the paper book.

Undisputedly, petitioner remained in custody w.e.f 01.06.2018 to 05.10.2018 and was granted interim bail from 06.10.2018 to 06.02.2019, but never misused the concession. Since report under Section 173 Cr.P.C. against the petitioner has already been presented and now the case is fixed for recording of prosecution evidence on 22.04.2019, therefore, trial will take a long time to be concluded finally. Thus, further incarceration of the petitioner would not serve any purpose and as such, it would be just and appropriate if the concession of bail is granted to him. Consequently, this petition is allowed and petitioner-Sukhwinder Singh @ Sukhi is ordered to be released on bail in this case on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

However, it is clarified that if there is a recurrence on the part of

the petitioner, the prosecution would be at liberty to approach this Court for recalling of the present order.

The above observations may not be construed as an expression of opinion on merits of case.

01.03.2019

mamta

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>