

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

***CRM-M No.52653 of 2018***

Date of Decision: 09.01.2019

Sawinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

***BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY***

Present:- Mr. Sandeep Arora, Advocate  
for the petitioner.

Mr. Sidakmeet Singh Sandhu, A.A.G., Punjab.

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***DAYA CHAUDHARY, J. (ORAL)***

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to petitioner, namely, Sawinder Singh in case FIR No.55 dated 08.05.2016 registered under Sections 22/61/85 of the NDPS Act at Police Station City, Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, he was in custody in a case under the Excise Act. The alleged recovery has falsely been planted upon him, otherwise, there was no reason to have a mobile and contraband recovery of which has been effected from him. The petitioner is in custody for the last more than 2½ years. The petitioner is a victim of the circumstances at the instance of the complainant and jail authorities. All witnesses are the official witnesses and there is no possibility that the petitioner may influence the witnesses or tamper with the evidence. There is no other case against the petitioner except the case under the Excise Act.

Learned State counsel has not disputed the custody period. He further submits that the proceedings in a case bearing **CWP No.12429 of 2016** titled as **Rajesh Kumar and others vs State of Punjab and others** have been stayed.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

The petitioner was in custody in a case under the Excise Act and he has been alleged to be involved in a case under the NDPS Act while he was in custody. No other case under the NDPS Act is there against the petitioner. The petitioner is in custody for the last more than 2½ years. The alleged recovery of mobile and contraband in itself shows that in case that was found to be correct even then also it is lapse on the part of the jail authorities as it shows that these things are easily available in jail premises. Moreover, **CWP No.12429 of 2016** is also pending before this Court, where, the proceedings have been stayed.

By considering the custody of the petitioner and also the fact that no other case is there against him and the proceedings in **CWP No.12429 of 2016** have been stayed, the present petition is allowed and petitioner, namely, Sawinder Singh is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

**(DAYA CHAUDHARY)**  
**JUDGE**

09.01.2019  
**gurpreet**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No