

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

CRM-M-54196-2018

Date of decision-16.07.2019

Sucha Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.
Mr. Hittan Nehra, Addl.AG, Punjab assisted by
ASI Hardeep.

MANOJ BAJAJ, J.

Petitioner-Sucha Singh has prayed for grant of regular bail in case FIR No.139 dated 14.09.2017 under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act and Section 52-A of Prisons Act registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

The FIR was registered with the allegations that on 16.06.2017, wife of the petitioner, namely, Surjit Kaur along with her son-Kulwinder Singh came to jail to meet petitioner-Sucha Singh who was undergoing imprisonment for 12 years pursuant to conviction in FIR No.309 dated 12.12.2007 registered under Sections 21 and 18 of Narcotic Drugs and Psychotropic Substances Act, 1985 Act. Then she handed over one bag containing clothes and upon search four packets containing intoxicating powder were recovered.

Learned counsel for the petitioner contends that the petitioner was already in custody when the alleged recovery was effected from his

wife, Surjit Kaur who had come to meet him along with his son, namely, Kulwinder Singh on 16.06.2017. It is pointed out that the bag was containing clothes where-from the alleged powder weighing 5 grams including the weight of the papers was recovered. He submits that FIR was registered after three months of the alleged occurrence and the petitioner who was already in prison cannot be attributed the conscious possession of the same. It is further contended that the wife of the petitioner was granted the concession of pre-arrest bail by this Court vide order dated 06.03.2018.

On the other hand, learned State counsel assisted by ASI Hardeep has opposed the bail application. However, it is not disputed that the alleged recovery falls within the non-commercial quantity. Further it is submitted that out of total 16 prosecution witnesses only 03 witnesses have been examined

Considering the above background, nature of contraband recovered which is non-commercial and the pace of trial, this Court is of the opinion that further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Sri Muktsar Sahib.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

16.07.2019

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No