

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

**CRM-M No. 26998 of 2019
Date of Decision:-22.11.2019**

Sukhchain Singh alias Chaina

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Pawan Kumar, Sr. Advocate with
Mr. Surya Kumar, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Sukhchain Singh @ Chaina has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 17 dated 22.3.2019, under Section 22/61/85 of NDPS Act, registered at Police Station Sadar Rampura, District Bathinda. The petitioner is in custody since his arrest on 22.3.2019.

As per FIR, when police party was on patrolling with regard to checking of bad elements and when reached a half kilometer ahead from Bathinda/Barnala main road, then at about 8.00 PM the police party saw a person coming from opposite side with a white coloured plastic gunny bag

on his head. On seeing the police, he threw the bag towards the fields of wheat crop. The police apprehended that person, who disclosed his name as Sukhchain Singh @ Chaina. On search of the plastic bag, thrown by him in the field, 20 strips of Prozolam-0.5 with 10 tablets in each strip and 1375 strips of Clavid-100, containing 20 tablets in each strip (total 28000 tablets) were recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as he is a registered pharmacist and running a chemist shop at Village Pithoo, District Bathinda under the name and style of Pithoo Medicos since the year 2003. He submits that the petitioner has been issued a valid license under the Drugs and Cosmetics Act, 1940, which was renewed from time to time and presently valid upto the year 2023. He further submits that the co-accused Darshan Singh, from whom petitioner allegedly purchased the recovered tablets, who stocked the medicines has also been extended the concession of anticipatory bail by this Court vide order dated 03.10.2019 passed in CRM-M-42401-2019. It is submitted that co-accused Darshan Singh is also having a valid drug license. Learned senior counsel contends that investigation of the case is complete as challan has been presented and the case before the trial Court is fixed for framing of charges. He prays that the petitioner be released on regular bail pending trial particularly when the petitioner is not involved in any other case.

Learned State counsel, who is assisted by ASI Baljit Singh opposed the prayer for grant of regular bail to the petitioner. Learned State

counsel does not dispute the fact that petitioner holds a valid license (Annexure P-3) to run a chemist shop. It is also not disputed that the investigation of the case is complete and the challan stands filed and charges are yet to be framed. He states that co-accused of the petitioner has been granted concession of anticipatory bail by this Court.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody 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, Bathinda.

The petition is allowed.

November 22, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No