

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.207

CRM-M-2955-2020 (O&M)

Date of decision : 15.9.2020

Sukhchain Singh @ Laddi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. C.S. Rana, Advocate, for the applicant-petitioner.

Mr. P.S. Walia, AAG, Punjab

SUDHIR MITTAL, J. (Oral)

Short reply dated 14.9.2020 has been submitted by learned State counsel in Court today and the same is taken on record.

The petitioner seeks regular bail in case FIR No.56 dated 26.3.2017, registered at Police Station Sadar Jagraon, District Ludhiana, under Sections 22 and 25 of the NDPS Act, 1985 (Section 29 of NDPS Act, 1985, added later on).

Learned counsel for the petitioner submits that the petitioner was granted interim bail by the trial Court till the date of receipt of report of the FSL. Thereafter, the petitioner surrendered before the trial Court on 4.1.2020. The trial is not likely to be concluded at an early date as examination of PW(s) has not yet commenced. In this case, the petitioner has been nominated as an accused on the disclosure statement of the co-accused and thus, false implication cannot be ruled out. Thus, the petitioner may be released on regular bail.

Learned State counsel concedes that the petitioner has been in custody since 4.1.2020 and that the trial is not likely to be concluded at an early date. He, however, submits that there is another case under the NDPS

Act, 1985, pending against the petitioner and 150 grams of intoxicant powder was recovered from the petitioner, in this case.

In response, learned counsel for the petitioner submits that in the pending case, the petitioner has been named as an accused only because, the car being used by the accused in the said case, was owned by the petitioner. Regarding the recovery, it is reiterated that false implication cannot be ruled out as the petitioner has been nominated as an accused on the disclosure statement made by the co-accused.

It is, thus, apparent that the trial is not likely to be concluded at an early date. False implication also cannot be ruled out considering the fact that the petitioner was named as an accused on the disclosure statement made by the co-accused, who was arrested on the spot. The another pending case would also not be an impediment in granting regular bail to the petitioner as in the said case, he has been involved only on account of the ownership of the car used by the accused therein.

For the aforementioned reasons, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

CRM-21208-2020

Since, regular bail is granted to the petitioner in the main petition viz. CRM-M-2955-2020, the application is rendered infructuous.

The application is dismissed as having been rendered infructuous.

(SUDHIR MITTAL)
JUDGE

15.9.2020

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes

No