

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM No. M-15965 of 2020
Date of Decision : 09.07.2020

Sukhpreet Singh @ Sukha

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab.
(keeping in view the advance copy given)

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 046 dated 19.04.2020, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 later on added on 20.04.2020), registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner states that petitioner was not named in the FIR but has been roped in on the basis of the statement of co-accused, namely, Iqbal Singh. Learned counsel further states that the banned substance was recovered from co-accused Iqbal Singh and no recovery has been effected from the petitioner and there are no other cases pending against the petitioner so as to say that the petitioner is a habitual offender.

Mr. Rana Harjasdeep Singh, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent-State and has produced the custody certificate of the petitioner, which is taken on record, according to which, the petitioner is behind bars for the last two months and 7 days. As per the custody certificate, no other case is pending against the petitioner. Learned State counsel has further conceded that no recovery has been effected from the petitioner in respect of FIR No. 46 dated 19.04.2020.

I have heard learned counsel for the parties and have gone through the record very carefully.

It is not disputed that the petitioner was not named in the FIR and no recovery has been effected from the petitioner and the petitioner has only been roped in keeping in view the statement of the co-accused, namely, Iqbal Singh, which is yet to be proved. Moreover, there are no other cases pending against the petitioner so as to term the petitioner a habitual offender. Hence, petitioner has made out a case for the grant of regular bail keeping in view the facts noticed above.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner, including the witnesses and in case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall

not be construed to be an expression of any opinion on the merits of the case.

July 09, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No