

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

**CRM-M No.20716 of 2020
Date of Decision:27.08.2020**

SUKHDEV SINGH

...Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G.S.Dhaliwal, Advocate
for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.14 dated 27.01.2020, registered under Sections 22 and 25 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short-the NDPS Act) at Police Station Dakha, District Ludhiana.

The case of the prosecution is that the petitioner was found in illegal possession of 1500 tablets of Lomotil containing Diphenoxylate Hydrochloride.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case; he is in custody since 27.01.2020; there is no other case under the NDPS Act in which he is involved; the challan under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; the petitioner is

100% physically handicapped; his co-accused namely Mani Singh @ Maddi and Amritpal Singh @ Gaggi have already been granted regular bail by this Court and that the trial which is yet to commence is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail on the ground that 1500 tablets of Lomotil containing Diphenoxylate Hydrochloride have been recovered from the petitioner's possession.

In view of the fact that the petitioner is in custody since 27.01.2020; there is no other case under the NDPS Act in which he is involved; the challan under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; he is 100% physically handicapped; his co-accused Mani Singh @ Maddi and Amritpal Singh @ Gaggi have already been granted regular bail by this Court and the trial which is yet to commence is likely to take a long time to conclude, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

August 27, 2020

Jyoti-IV

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No