

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

Crl. Misc. M-24601 of 2020
Date of decision: 06.10.2020

212

Sakatar Singh @ Sakattar Singh

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ankit Kharbanda, Advocate,
for the petitioner.

Mr. A.A. Pathak, Addl. A.G., Punjab.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in FIR No. 0036 dated 14.04.2020 under Sections 29, 30, 27-A, 61 and 85 of the NDPS Act, 1985 registered at Police Station Gharinda, District Amritsar Rural.

Counsel for the petitioner submits that the petitioner has been in custody since lodging of the FIR i.e. for a period of almost 6 months. It is submitted that investigation is still carrying on against the other co-accused and the petitioner is as such in judicial custody and it will take considerable time for the trial to conclude. Nothing is to be recovered further from the petitioner and nothing incriminating except one cell phone was recovered.

A perusal of the FIR, which was lodged by Company Commander of the BSF, would go on to show that on the Indo-Pak border, movements had been seen in the fields and the petitioner alongwith one

Ranjit singh were apprehended. The allegations were that the petitioners as such were scouting the area for the drug smugglers and were in touch with one Pakistani drug peddler namely Afzal on the whatsapp number and, thus, were recceing the area so that a clear passage could be given for smuggling. Admittedly, the recovery as such is not of any drugs as such from the petitioner and the petitioner is not involved in any other NDPS case, which fact is vouched by counsel for the State.

Accordingly, in view of the period already undergone and in the facts and circumstances of the case, this Court is of the opinion that the petitioner is entitled for the benefit of regular bail.

Resultantly, the present petition is allowed and the petitioner is granted bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Illaqa/Duty Magistrate, Amritsar. Needless to say that anything said herein is only for the purpose of deciding the present bail application and this Court has not opined on the merits of the case.

06.10.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking Yes/No

Whether reportable Yes/No