

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

CRM-M-27934 of 2020

Date of Decision: 07.10.2020

Sukhdev Singh @ Sukhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. P.S Sekhon, Advocate for the petitioner.

Mr. IPS Doabia, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.53 dated 15.05.2018 under Sections 21,22 and 29 of the NDPS Act registered at P.S Badhni Kalan, District Moga.

The allegations against the petitioner are that he was apprehended on 15.05.2018 and 05 grams of heroin was recovered from him. During interrogation he disclosed that he had purchased 5 gram heroin and 130 gram of intoxicant powder from one Billa of Village Daulewala for selling it further. He disclosed that he had hidden the intoxicant powder near bridge of Canal situated in the area of Badhni Kalan. The same was got recovered by him. As per the report of the chemical examiner the intoxicant powder was found to contain Alprazolam.

Learned counsel for the petitioner argued that the recovery was made from a public place. No private witness was joined at the time of alleged recovery which makes the recovery doubtful. It is submitted that the petitioner has been in custody for almost two years and five months and that because of current COVID-19 pandemic, the trial is not making any headway.

Opposing the petition, the learned State counsel has submitted that two prosecution witnesses have already been examined.

Without commenting anything on the merits of the case and also bearing in mind the fact that the petitioner is in custody for two years, four months and 19 days, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Sukhdev Singh @ Sukhi is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, in case the petitioner indulges in any activity akin to one for which he has been convicted, while on bail, the prosecution agency will be at liberty to seek the cancellation of the order granting bail to the petitioner.

This present petition stands accepted accordingly

October 07, 2020
manoj

(Harinder Singh Sidhu)
Judge

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