

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

CRM-M-980-2021

Date of Decision : January 14, 2021

Sukhbir Singh @ Sukh @ Bhatti

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.265 dated 19.8.2020 under Section 21 of the NDPS Act, registered at Police Station Maqbulpura, District Police Commissionerate, Amritsar.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the case as on a prior occasion he had a verbal spade with the police officials. The counsel further submits that as per the allegations in the FIR, the petitioner was apprehended on suspicion and recovery of 265 grams of heroin was made. Counsel for the petitioner further submits that it is the case of the prosecution that the weight was including the weight of the polythene packet in which the said recovery was effected and therefore, it is marginally higher than the commercial quantity.

Counsel for the petitioner further submits that there are more points in the petition for which he has already submitted a representation to the higher authorities about his false implication in the case. Counsel for the petitioner next submits that the police party was on a private vehicle and there was nothing

to state that they were on special duty regarding checking of intoxicant material.

Counsel for the petitioner has relied upon certain orders passed by this Court and passed by the Hon'ble Supreme Court in support of his arguments, which are not reproduced herein for the sake of brevity.

Counsel for the petitioner submits that some of the co-accused, who were nominated on the disclosure, have already been granted the concession of anticipatory bail.

Counsel for the petitioner has lastly argued that the petitioner is a well educated person, who is planning to go abroad and is not involved in any other case under the NDPS Act.

Learned State counsel has filed the custody certificate, as per which the petitioner is custody for the last 04 months and 18 days and is not involved in any other case.

Without commenting anything on the merits of the case, considering the aforesaid submission made by counsel for the petitioner and also in view of the fact that the petitioner is not involved in any other case under the NDPS Act, this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, nothing observed in this order will have bearing on the merits of the case regarding the false implication of the petitioner for which he has an independent right to prove.

(ARVIND SINGH SANGWAN)
JUDGE

January 14, 2021
satish

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO