

CRM-M-9574-2021

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

CRM-M-9574-2021

Date of decision:12.10.2021

Sukhdev Singh @ Sukhi

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Status report dated 05.04.2021 by way of affidavit of the Deputy Superintendent of Police, Special Task Force, Patiala Range, Patiala, on behalf of the respondent-State, filed in the Registry, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.25 dated 04.02.2020, registered at Police Station STF Phase-IV (Mohali), District SAS Nagar (Mohali), under Sections 21 and 29 NDPS Act and Section 207 of the Motor Vehicles Act, 1988.

Learned counsel for the petitioner contends that the petitioner was not apprehended at the spot; that co-accused Harinder Singh was

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arrested from the spot and the alleged recovery of 1.020 gram of heroin was effected from him, whereas the recovery of 13-gram of heroin allegedly effected from the petitioner at a later stage, falls under the small quantity; that co-accused Rahul Singh @ Babbu stands enlarged on regular bail by a Coordinate Bench, vide order dated 17.02.2021 passed in CRM-M-32218-2020, and that the petitioner has been in custody for the last 01 year and 07 months.

On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, submits that there were specific allegations against the petitioner in the secret information and in the disclosure statement of co-accused, Harminder Singh. The petitioner is also involved in one other case of a similar nature for having possessed 20-kg of poppy husk. It is also submitted that out of 32 prosecution witnesses, 05 witnesses have been examined.

I have heard the learned counsel for the parties.

In the present case, the heroin allegedly recovered from the petitioner, falls under the small quantity. The petitioner has been indicted on the basis of the disclosure statement of co-accused Harminder Singh from whom the recovery of 1.020 gram of heroin had been effected. The petitioner has been in custody for the last 01 year and 07 months. The petitioner stands released on bail in another case registered against him. The trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

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allowed and the petitioner is ordered to be released on bail on his
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

12.10.2021

mangal singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No