

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.7505 of 2020 (O&M)

Date of Decision: February 11, 2021

Sukhdev Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shaurya Puri, Advocate for
Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.159 dated 24.12.2017, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Fattu Dhingra, District Kapurthala. The petitioner is in custody since his arrest on 20.10.2018.

As per the allegations in the FIR, on 24.12.2017, the police party held a nakabandi near old Bus Stop, Fattu Dhingra for checking of vehicles. During checking, one white colour Verna car came and was signalled to stop. The driver of the said car tried to escape, but he was apprehended. On inquiry, he disclosed his name as Sukhdev Singh @ Sukha. The search of the car was conducted and from its dashboard, 310 grams of intoxicating powder was recovered. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has contended that the

prosecution has examined only five witnesses so far out of total eleven witnesses and the trial is likely to consume considerable time to conclude. He further submits that previously, the concession of interim regular bail was granted to the petitioner as the FSL report was awaited and on filing the same, he was taken in custody on 20.10.2018. According to him, the said concession was never misused by the petitioner and, therefore, his further detention may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Kuldip, on the ground that the recovered contraband (310 grams intoxicating powder) falls within the ambit of commercial quantity. It is not disputed by him that the concession of interim regular bail was granted to the petitioner w.e.f. 09.03.2018 till 20.10.2018.

After hearing the learned counsel for the parties, considering the custodial period of the petitioner and the pace at which the trial is progressing, this Court finds no reason to further detain the petitioner behind the bars.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Kapurthala.

February 11, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No