

**CRM-M-11584-2021
Date of Decision: 23.03.2021**

Sukhpreet Singh

...Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARUN MONGA

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

Ms. Sunint Kaur, Asst. AG Punjab.

ARUN MONGA, J. (ORAL)

1. This second foray of petitioner before this court, seeking regular bail in FIR No. 294 dated 27.08.2020, registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station Sadar Dhuri, District Sangrur, having got the earlier petition dismissed as withdrawn on 03.11.2020.

2. Per prosecution, on 27.08.2020, a police party while on routine patrol received a secret information that one Iqbal Khan and Sukhpreet Singh (present petitioner) were to indulge in sale of intoxicants/tablets by touring on a motor cycle bearing registration No. PB31K-0926. The said secret information was reduced into writing and sent to the police station for registration of case. Later, two persons seen coming on a motor-cycle were intercepted by police officials. The rider of the motor-cycle, on seeing the police party, threw away a polythene that was lying between his legs. Rider and the pillion, were apprehended by the police party. The rider of the motor

cycle disclosed his name as Iqbal Khan while the pillion disclosed his name as Sukhpreet Singh(present petitioner). On checking of polythene, 850 tablets of Clovidol 100-SR and 550 tablets of ETOLQAM-05 tablets, were recovered. Petitioner and co-accused were both arrested on the spot on 27.08.2020 itself. Since then the petitioner is in custody.

3. Learned counsel for petitioner argues that petitioner has been falsely implicated in the case. According to him, the petitioner has been implicated at the instance of Sadhu Khan, father of co-accused Iqbal Khan. Sadhu Khan was earlier married to Rani, who later solemnized marriage with petitioner. It is further submitted that the alleged recovery was not made from the conscious possession of the petitioner. Contraband was recovered from the nearby ground thrown there allegedly by the co-accused. The petitioner was merely a pillion rider. According to him, there has been violation of provisions of Sections 42 and 50 of the NDPS Act, neither there is any independent witness nor any Gazetted Officer was joined.

4. On antecedents of the petitioner, learned counsel submits that the petitioner is having clean record. Except the case in hand, the petitioner is not involved in any other case.

5. Per contra, learned State counsel opposes the bail plea. According to him, the petitioner and his co-accused were found in possession of intoxicant tablets. There is every apprehension that he might again indulge in similar offence, if released on bail. On a query of Court, learned State counsel, on instructions, admits that petitioner is not involved in any other case.

6. I have heard the rival contentions of the respective learned counsels.

7. The contentions of learned counsel for petitioner, as noted aforesaid, may have substance but same can only be adjudged at the trial. The plea of conscious possession has also to be adjudicated at the trial. The petitioner is in custody since 27.08.2020. He is not involved in any other case. Investigation is already over, charges have been framed and the case before the trial court is now fixed for prosecution evidence. The trial is not likely to conclude anytime soon in view of the situation that has arisen due to pandemic.

8. All the prosecution witnesses are police officials. There thus seems no apprehension that petitioner would influence or pressurize the witnesses. Particularly, keeping in view that petitioner has got clean antecedents.

9. Considering the overall scenario, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

10. Accordingly, petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

11. It is, however, made clear that in case the petitioner is found involved in any other case of similar nature while on bail, the prosecution shall be at liberty to seek cancellation of his bail.

(ARUN MONGA)
JUDGE

23.03.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No