

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18584-2021 (O&M)
Date of decision: 20.12.2021

Sukhjeet Singh @ Sukhi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vinod Bhardwaj, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.600 dated 21.12.2020 under Section 22(c) of NDPS Act, registered at Police Station City Tohana, District Fatehabad.

Learned counsel for the petitioner relies upon the order dated 11.02.2021 passed in CRM-M-5611-2021, vide which co-accused Manjeet had been granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, the police stopped a scooty, on which two persons were riding. Driver of the scooty told his name as Sukhjeet Singh @ Sukhi and pillion rider was Manjeet Singh (petitioner). It is further submitted that when the police conducted search of dikki

of scooty, 150 strips of NRX Tramadol Hydrochloride SR Tablets IP Celcidal-100 SR, 10 tablets each i.e. 1500 tablets were recovered. It is also submitted that from the personal search of the petitioner, no intoxicant material was recovered and the petitioner is not involved in any other case under NDPS Act; he is neither owner nor driver of the scooty and recovery was effected from the scooty, which was in possession of driver Sukhjit Singh @ Sukhi, therefore, it will be a debatable issue whether the petitioner was in conscious possession of the contraband.

Learned State counsel, on instructions from ASI Suresh Kumar, could not dispute the manner, in which the recovery was effected, however, submits that the petitioner is involved in one more case/FIR under Sections 323, 324 IPC... ”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that it will be a matter of trial whether Section 42 of NDPS Act was complied with or not, as prior to effecting the recovery, no information was sent to the police station.

Learned State counsel has filed the custody certificate dated 17.12.2021 in the Court today and has submitted that it is the petitioner, who was driver of the scooty, from which, recovery was effected and as per the custody certificate, he is in custody for the last about 01 year and is not involved in any other case. It is further submitted that though the challan has been presented, however, the charges are yet to be framed.

Without commenting anything on merits of the case, considering the aforesaid facts and circumstances of the case and also in view of the fact that the trial will take long time in conclusion, as even the charges have not been framed; the petitioner is in custody for the last 01 year and he is not involved in any other case, this petition is allowed and the petitioner is directed

to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

20.12.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No