

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-19856-2021 (O&M)  
Date of Decision: May 28, 2021.

SIKANDAR SINGH ..... Petitioner(s)

Versus

STATE OF PUNJAB ..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Laghuinder Singh Sekhon, Advocate  
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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**LISA GILL, J.**

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner seeks concession of bail pending trial in FIR No.113 dated 12.10.2020 under Section 22 and 29 of NDPS Act, registered at Police Station Sandaur, District Sangrur.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner, was taken in custody on 07.10.2020 in FIR No.51 dated 07.10.2020 under Section 22 of the NDPS Act, registered at Police Station Ahmedgarh, District Sangrur and an alleged recovery of 222 tablets of alprazolam was effected. Petitioner, it is stated, has been granted interim bail on 16.11.2020 on the basis of the judgment of this High Court in *Inderjit Singh @ Laddi*

*Vs. State of Punjab, 2014(3) RCR (Criminal) 953*, awaiting the FSL report.

While petitioner was in custody in FIR No.51 dated 07.10.2020, two more FIRs i.e. the present FIR and FIR No.54 dated 13.10.2020 were registered under Section 22 and 29 of NDPS Act at the same Police Station i.e. Police Station Ahmedgarh, District Sangrur. It is submitted that no recovery has been effected from the petitioner in this case and he is sought to be implicated merely on the basis of disclosure statement of the co-accused Balwinder Singh @ Binder Singh, who was apprehended at the spot allegedly with narcotic tablets. Petitioner, it is submitted, has been granted bail in FIR No.54 dated 13.10.2020 vide order dated 16.03.2020 in CRM-M-41601-2020. It is, thus, prayed that this petition be allowed.

Learned counsel for the State has opposed this petition while submitting that three FIRs including the present one are pending against petitioner under the NDPS Act.

I have heard learned counsel for the parties.

It is not in dispute that petitioner was in custody in FIR No.51 dated 07.10.2020 and the present FIR No.113 was registered on 12.10.2020. FIR No.54, dated 13.10.2020 was also registered against the petitioner when he was in custody. Allegation against petitioner, on the basis of disclosure statement made by the said Balwinder Singh is that he has supplied the narcotic material, recovered from the co-accused Balwinder Singh @ Binder Singh. Learned counsel for the State at this stage, is however, unable to point out any palpable evidence on record at this stage to connect the present petitioner (from whom no recovery has been effected) with the alleged offence. Challan/final report under Section 173 Cr.P.C. stands presented. It is further a matter of record that the petitioner was in custody at the time of

registration of the present FIR. Petitioner has been granted the concession of bail in FIR No.54 dated 13.10.2020, vide a detailed order dated 16.03.2020 in CRM-41601-2020 (Annexure P3).

There is no allegation that the petitioner is likely to abscond or influence witnesses. In view of the peculiar situation, which has been created due to the outbreak of the pandemic COVID-19 and the fact that trial in this case is not likely to be concluded in the near future, no useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

**28.05.2021**

Sunil

**(LISA GILL)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No