

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

CRM-M No.21187 of 2021

Date of Decision : October 11, 2021

Sukhcharan Singh @ Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking regular bail in FIR No.046 dated 19.04.2020 registered under Section 22 of NDPS Act, 1985 registered at Police Station Sadar Malout, District Sri Muktsar Sahib later on offence under Sections 27, 29 of NDPS Act and Section 188, 269, 270 of IPC and Section 54 of the Disaster Management Act and Section 3 of the Epidemic Disease Act was added vide DDR No.28 dated 20.04.2020.

Learned counsel for the petitioner submits that in the present case, the petitioner has been involved only on the basis of disclosure statement of co-accused, namely, Iqbal Singh, according to whom, the recovered contraband was intended to be sold to the petitioner. Learned counsel further submits that nothing has come against the petitioner in this FIR, so as to justify the said disclosure statement and therefore, the petitioner be granted the benefit of regular bail.

Learned counsel for the State submits that 800 tablets of Covidol-100 SR containing salt Tramadol Hydrochloride were recovered from co-accused, Iqbal Singh and as per the statement of the said co-accused, same were to be supplied to the petitioner, therefore, the petitioner has rightly been roped in the present FIR. Learned counsel for the State further submits that there are other cases against the petitioner. Learned counsel for the State submits that the petitioner is a drug addict though and in all those cases, in which he has been involved, the quantity of the drug involved is not of commercial in nature and he has been granted bail in all those cases.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the facts stated hereinbefore, it is clear that petitioner is not the owner of the motorcycle from which the drug was recovered hence, the question whether the petitioner was in possession of the said contraband, is yet to be proved during the course of the trial. Not only this, with regard to the other cases in which the petitioner is stated to be involved, the quantity of drug alleged to have been recovered is either 5 grams or 7 grams and the said aspect is to be looked into in view of the fact that the petitioner himself is a drug addict and might be using the said recovered drug for his personal consumption.

Keeping in view the facts and circumstances of the case, learned counsel for the petitioner undertakes before this Court that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at

liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 11, 2021

(HARSIMRAN SINGH SETHI)

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JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No