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

CRM-M No.21197 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.0005 dated 07.01.2021 registered under Section 21/B of NDPS Act, 1985 registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

Learned counsel for the petitioner submits that the petitioner was standing next to a motorcycle from which the recovery of the contraband was done and the motorcycle did not belong to the petitioner but still, as the petitioner was standing next to the motorcycle, he has been involved in the present FIR on the said fact itself.

Learned counsel for the State submits that though, it has come in the investigation that the motorcycle from which the recovery has been effected did not belong to the petitioner but the petitioner is also involved in other cases, such as FIR No.61, dated 27.07.2018, under section 21 of NDPS Act wherein, 7 grams of heroin was recovered from the possession of the petitioner, FIR No.95 dated 02.06.2019 registered under section 21

of the NDPS Act, wherein 7 grams of heroin was recovered from the petitioner as well as FIR No.46, dated 19.04.2020 under sections 22, 29 of NDPS Act wherein, the petitioner was roped in on the basis of disclosure statement of the accused from whom the contraband was recovered hence, the petitioner seems to be a habitual offender. Learned counsel for the State further submits that the petitioner is a drug addict and the quantity of drug recovered from him in all those FIRs is 5 grams or 7 grams for which, the petitioner has already been extended the concession of regular bail.

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.

In view of the facts and circumstances of the case, the petitioner undertakes before this Court that he 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
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No