

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.18938 of 2020
Date of Decision: November 25, 2021

Sukhwant Singh @ Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Gurpal Singh Sandhu, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.76 dated 27.05.2015, under Section 22 N.D.P.S.Act, 1985, registered at Police Station, Bhikhiwind, District Tarn Taran, who is in custody since his arrest on 04.01.2020.

As per FIR, on 27.05.2015, the police party was on patrolling duty and when they reached near T-point Chung, then two person were seen coming on a motorcycle bearing registration No.PB-38-2540, who on seeing them, immediately took U-turn and tried to escape. They were apprehended on suspicion and on inquiry, they disclosed their names as Sukhwant Singh alias Sukh and Nirmal Singh @ Nimma. Upon personal search of the accused, 270 grams of intoxicant powder was recovered from Nirmal Singh

alias Nimma and 70 grams of intoxicant powder was recovered from accused Sukhwant Singh alias Sukh.

Learned counsel for the petitioner has argued that after arrest of the petitioner on 28.05.2015, he was released on interim regular bail on 24.08.2015 and after filing of the final report after a long delay, he was again sent in custody w.e.f. 04.01.2020 and since then he is in custody. He submits that except for the present case, he is not involved in any other case, much less of similar nature and the period of interim regular bail was never misused by him. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Jassa Singh, does not dispute the above factual aspect narrated by the learned counsel for the petitioner and has further filed the custody certificate of the petitioner by way of affidavit of Manjit Singh Sidhu, PPS, Additional Superintendent, Central Jail, Amritsar, which indicates that indeed he remained on interim regular bail for more than 4½ years. However, according to him, out of total ten prosecution witnesses, no witness has been examined so far.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose. Apart from it, the material witnesses are police officials and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail

bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty
Magistrate, Tarn Taran.

November 25, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No