

In virtual Court

CRM-M-22844-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22844-2020 (O&M)

Date of decision: 07.01.2021

Sukhwinder Singh @ Sukha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.46 dated 15.05.2020 under Section 22 of NDPS Act and Sections 25 & 29 of NDPS Act (added later on), registered at Police Station Kot Ise Khan, District Moga.

Learned counsel for the petitioner submits that the FIR was registered by one ASI Paramdeep Singh with the allegations that he received a secret information that Vinod Kumar @ Baba and petitioner Sukhwinder Singh @ Sukha are indulged in the business of selling intoxicant tablets and are coming in a Etios car. On receiving the information, FIR was registered and thereafter, the petitioner along with other accused was arrested and recovery of 08 kgs and 40 grams containing salt tramadol tablets was effected. It is further submitted that in fact, one Sushil Kumar is involved in three FIRs i.e. FIR

No.77 dated 03.08.2017 under Sections 22/29/61/85 of NDPS Act, Police Station Fatehgarh Panjtoor, FIR No.82 dated 23.01.2020 under Sections 22/25/61/85 of NDPS Act, Police Station Mehna and FIR No.13 dated 23.01.2020 under Sections 22/29/61/85 of NDPS Act, Police Station Shahkot, Jalandhar. The said person was having a grudge against the petitioner and he has given a false application to the police. It is also submitted that in order to harass the petitioner, he was picked up on 14.05.2020 from village Nasirpur Jania, Tehsil Dharamkot in front of house of one Ram Singh and from there, he was nominated as an accused.

Learned counsel for the petitioner further submits that the petitioner has already filed a case before the trial Court for preserving the CCTV footage outside the house of said Ram Singh and some interim order has been passed in this regard. The petitioner has no concern with co-accused Vinod Kumar @ Baba and he has been nominated by ASI Paramdeep Singh, who himself is facing three FIRs, as he is involved in nominating the innocent persons in NDPS cases and he has already been suspended. It is also submitted that even the petitioner has moved an application before the higher police officials for conducting fair investigation. It is next submitted that the petitioner is in custody for the last about 07 months and is not involved in any other case and till date, no prosecution witness has been examined due to COVID-19 situation in the country and it will take long time in conclusion of the trial.

Learned State counsel, on the basis of custody certificate dated 06.01.2021 filed in the Court today, has not disputed the factual position, however, on the basis of affidavit of DSP, Dharamkot dated 15.12.2020, has

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stated that owner of the car was one Sarpreet Kaur, who was also nominated as an accused and in FIR No.1 dated 18.01.2017, Police Station Vigilance Bureau, Amritsar, aforesaid ASI Paramdeep Singh was suspended in connection with another FIR No.65 of Police Station Kot Ise Khan.

Affidavit of Investigating Officer/ASI Charanjit Singh, Police Post Daulewala, Moga, filed in the Court today, is taken on record and the same is on similar lines of affidavit of DSP and it is not disputed that the petitioner is not registered owner of the car, from where the recovery was effected, however, allegations in the FIR are reiterated in the affidavit.

Learned State counsel, on instructions from ASI Charanjit Singh, could not dispute that till date, no prosecution evidence has been recorded.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the aforesaid submissions made by learned counsel for the parties, this petition is disposed of and the petitioner is directed to be released on interim bail till 31.05.2021 subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, the trial Court, after assessing the situation, if the trial has not started in ordinary course and the evidence is recorded, may cancel or may continue the interim bail granted to the petitioner till further orders.

[ARVIND SINGH SANGWAN]
JUDGE

07.01.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No