

206.

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

CRM-M-32620-2021

Date of Decision: 16.11.2021

(Heard through VC)

SUKHDEV SINGH ALIAS KHESI

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Joginder Pal Devgan, Advocate, for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.120, dated 02.09.2017, registered under Sections 21 and 22 of NDPS Act, 1985 at Police Station Valtoha, Tehsil Patti, District Tarn Taran.

It is submitted that the petitioner is behind bars from the date of his arrest i.e. 13.04.2018 and till date, almost 3 years and 7 months have been passed. It is submitted that though the challan was presented as far back as 14.10.2019, however, as on date, charges have not been framed. Apart from this, counsel would also argue that the petitioner herein was not in conscious possession of the psychotropic substance, as 3 grams of heroin was admittedly recovered under the driver seat, whereas rest of the tablets were recovered from the seat of the co-passenger i.e. the person sitting on

the adjacent seat of the driver. The petitioner was sitting on the back seat. It is contended that the co-accused have already been allowed regular bail and, therefore, even on the basis of parity, the petitioner would be entitled to regular bail.

On the other hand, learned State counsel opposes the grant of regular bail by contending that the petitioner herein is involved under the said FIR on the basis of recoveries made from the car.

I have heard learned counsel for the parties and taking note of the fact that the petitioner has already undergone 3 years and appropriately 7 months of incarceration without even charges being framed as on date, deem it appropriate to allow regular bail to the petitioner. This order is also being passed taking into consideration that all the co-accused under the said FIR are already on regular bail.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. Any observation made herein shall not be construed to be an expression of opinion on merits of the case.

However, in case the petitioner misuses the same, the regular bail allowed to him will be liable to be cancelled.

(JAISHREE THAKUR)
JUDGE

16.11.2021
sanjeev

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