

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32888-2021

DATE OF DECISION: AUGUST 19, 2021

SUKHDEV SINGH @ KHESI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.P. DEVGAN, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.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.31 dated 13.4.2018, under Section 22/61/85 NDPS Act, Police Station Valtaha, District Tarn Taran. The petitioner is in custody since his arrest on 13.4.2018.

As per allegations levelled in the FIR, when ASI Sahib Singh alongwith other police officials were patrolling from Police Post Algon to Warha Sher Singh, Warha Teliyan, etc. on private vehicles, at T-Point, Warha Teliyan, a tonsured man was seen walking from Valtaha. On seeing the police party, he threw a polythene bag on the corner of the road. He was apprehended and on enquiry, he disclosed his name as Sukhdev Singh @ Khesi. On further enquiry, he told that intoxicant tablets labeled at Limotel were thrown by him in the polythene bag. The polythene bag was produced by him and on opening the same, 25 strips of intoxicant tablets labelled as Limotel, each strip containing 60 tablets, totalling 1500 tablets were recovered. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present FIR and nothing has been recovered from the conscious possession of the petitioner. He submits that the investigation of the case is complete and the challan stands filed on 11.10.2018. He further submits that the petitioner is behind bars for the last more than 3 years and the trial of the case is likely to consume considerable time. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by SI Sukhbir Kaur has opposed the aforesaid prayer and produced the custody certificate of the petitioner to show that apart from the present FIR, the petitioner is involved in 5 other cases of similar nature.

Considering the above background and perusing the custody certificate of the petitioner, this Court is of the opinion that the petitioner is a habitual offender and therefore, does not deserve the concession of regular bail.

The petition is dismissed.

August 19, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No