

243

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36127-2021 (O&M)
Date of Decision: 22.11.2021

Sukhdev Singh @ Shammi

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.220 dated 09.11.2019 registered under Sections 21, 22, 25 and 29 NDPS Act, 1985 at Police Station Dhanaula, District Barnala. The petitioner is in custody since his arrest on 09.11.2019.

As per prosecution, on 09.11.2019, when accused/petitioner along with his co-accused Gurpreet Singh and Happy Singh was travelling in his Swift car bearing No.PB-13-AW-2820, they were intercepted by police and 1100 grams of heroin was recovered from them and were arrested on the spot.

Learned counsel for the petitioner has argued that the petitioner is in custody for a long time and has been falsely implicated in this case and as the trial is not making any headway, he be released on regular bail.

The prayer is opposed by learned State counsel assisted by ASI Gurtej Singh, who has argued that total quantity of contraband recovered from the said vehicle is commercial in nature. He has further produced the custody certificate of the petitioner, which indicates that he already stands convicted for

a similar offence through judgment dated 02.06.2015 in case FIR No.171 dated 16.06.2013 under Section 22 NDPS Act, at Police Station City Sangrur, District Sangrur. However, according to him, the charges were framed on 08.01.2021, but no prosecution witness has been examined.

At this stage, learned counsel for the petitioner has submitted that pursuant to the conviction dated 02.06.2015, a sentence of one year and six months rigorous imprisonment was imposed upon the petitioner and the same has already been served by him. He submits that the details of the said case have been mentioned in para 13 of the petition.

After hearing the learned counsel for the parties and considering the above fact, this Court finds that as per prosecution, the petitioner is the owner of the vehicle, wherein he along with his accomplices, was travelling and commercial quantity of heroin was recovered from their possession. As he has already been convicted for a similar offence, therefore, considering the nature of the contraband and the quantity, but without meaning any expression of opinion on the merits of the case, no case is made out for grant of regular bail to the petitioner, at this stage.

Dismissed.

22.11.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No