

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-38373-2021

DATE OF DECISION: SEPTEMBER 20, 2021

SUKHCHAIN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. JAI BHAGWAN, 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.0078 dated 18.6.2021, under Section 22, 23, 61, 85 NDPS Act, Police Station Sadar Jagraon, District Ludhiana. The petitioner is in custody since his arrest on 18.6.2021.

The allegations contained in the FIR as noticed by the Judge, Special Court, Ludhiana, in the order dated 28.7.2021, are as under:-

“FIR in this case was registered against accused/applicant on the basis of secret information with the allegations that on 18.06.2021, police party headed by ASI Johan Masih in connection with patrolling duty and checking of suspected persons and vehicles was present at Bus Stand, Chownkiman, where it received a secret information to the effect that accused/applicant Sukhchain Singh is indulged in sale of huge quantity of intoxicant tablets. Today, he is going on his motorcycle bearing registration No.PB 10DW 2141 from Mullanpur city towards Jagraon side for supply of intoxicant tablets. If naka is laid near Chownkiman, accused/applicant can be apprehended alongwith huge quantity of intoxicant tablets and motorcycle.

Considering the information to be reliable, an intimation was sent to police station for registration of FIR. Thereafter, police laid naka at the disclosed place, where it apprehended accused/applicant and 1000 intoxicant tablets brand Tramadol Hydrochloride Tablets 100 mg Celcidal 100 SR were recovered and same were taken into police possession vide separate memo. Thereafter, accused/applicant was formally arrested in this case.”

Learned counsel for the petitioner contends that the petitioner-accused has been falsely implicated in this case, who is in custody since 18.6.2021 and the presentation of challan as well as FSL report would take a long 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 Sharanjit Singh has opposed the aforesaid prayer on the ground that the FIR in the present case is very recent and the investigation is in progress. He further submits that contraband recovered from the petitioner falls in commercial quantity.

After hearing the learned counsel for the parties and considering the above background, this Court is of the opinion that the petitioner was arrested on the spot alongwith the contraband and the investigation in the case is still in progress. Consequently, at this stage, no case is made out for grant of regular bail to the petitioner.

Petition is dismissed.

September 20, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No
Whether Speaking/Reasoned : Yes/No