

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-41601-2020 (O&M)
Date of Decision:-16.3.2021

Sikandar Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ajay Pal Singh Gill, DAG, Punjab.
assisted by ASI Surjeet Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of the case registered vide FIR No.54 dated 13.10.2020 registered at Police Station City Ahmedgarh, District Sangrur under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. Reply by way of affidavit of Shri Rajan Sharma, PPS, Deputy Superintendent of Police, Sub Division, Ahmadgarh has been filed by learned State counsel today in Court, which is taken on record.
3. It is the case of prosecution that on 13.10.2020 the Police party headed by ASI Harjit Singh was patrolling in search of suspected persons then a secret

information was received to the effect that Palwinder Kaur wife of Sikandar Singh indulges in sale of intoxicant tablets and that on the given day she would be coming from her house for sale of such tablets.

4. Pursuant to receipt of said information, the Police proceeded towards Bajrang Akhara, Ahmadgarh, where a lady was seen coming carrying a plastic bag in her right hand and who upon noticing the police party threw the plastic bag and started walking briskly. The said lady was apprehended on the basis of suspicion and the bag thrown by her was checked and was found to contain 6000 tablets of Alprsafe-0.5 (Alprazolam).
5. It is further the case of prosecution that during the course of interrogation on 15.10.2020 the aforesaid Palwinder Kaur disclosed that her husband Sikandar Singh indulges in sale of intoxicant tablets and that the tablets recovered from her had infact been given to her by her husband. It was pursuant to the aforesaid disclosure statement that the petitioner, who was already in custody in connection with some other case, was formally arrested in the instant case.
6. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on the basis of a disclosure statement allegedly made by his wife, whereas infact the petitioner was in custody much prior to the date of recovery. It has been submitted that while the recovery was effected from Palwinder Kaur on 13.10.2020, the petitioner was in custody in connection with another case since 7.10.2020.
7. Opposing the petition, the learned State counsel has submitted that the petitioner is a habitual offender as would be evident from the fact that he is also involved in FIR No. 51 dated 07.10.2020 registered at Police Station

City Ahmadgarh under Section 22/61/85 of NDPS Act. The learned State counsel has further submitted that there was no occasion for Palwinder Kaur to have falsely implicated her husband and that since huge quantity of contraband was recovered from Palwinder Kaur, it is evident that some male member must also be in league with her for trafficking of drugs. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 4 months and that although challan stands presented but charges are yet to be framed.

8. I have considered rival submissions addressed before this Court.
9. It is not in dispute that it is a case where the petitioner was never ever apprehended at the spot and infact he was already in custody about a week prior to the alleged recovery, in connection with another case. It will certainly be debatable as to whether the petitioner indeed had any hand in supplying the contraband to his wife or not. In any case, since the petitioner has been behind bars since the last more 4 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time since the trial infact has not even commenced till date. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No