

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

CRM-M-48547-2019.
Date of Decision:-23.02.2021.

Sukhdeep Singh @ Sukhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Avtar Singh Sandhu, Additional A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.285 dated 17.11.2018 under Sections 22 and 29 of NDPS Act, 1985, registered at Police Station Samrala, District Khanna.

As per the allegations, 170 strips of Lomotil each having 60/60 tablets totalling 10,200 were recovered from the petitioner-accused along with other co-accused. The recovered quantity is commercial.

Learned counsel for the petitioner submits that co-accused of the petitioner namely Amandeep Singh *alias* Aman, aged about 25 years,

driving the car and Ajit Singh *alias* Gora, aged about 30 years, sitting on the front seat, have already been admitted on bail by this Court vide orders dated 08.02.2019 passed in CRM-M-64728-2018 (***Amandeep Singh alias Aman Vs. State of Punjab***) and CRM-M-61577-2018 (***Ajit Singh alias Gora Vs. State of Punjab***) respectively. They allegedly fled away from the scene of occurrence. The petitioner is not the registered owner of the vehicle. He just happens to be travelling in the car. Though Kulwant Singh, the father of Amandeep Singh *alias* Aman and the registered owner of the car has deposed that it is Raj Singh *alias* Raju who has borrowed the vehicle but fact remains that the petitioner was just travelling in the car and therefore cannot be termed in conscious possession of the contraband. The co-accused Raj Singh *alias* Raju, aged about 40 years, has already withdrawn his petition seeking regular bail vide order of even date passed in CRM-M-42424-2019 titled as ***Raj Singh @ Raju Vs. State of Punjab***. The petitioner is in custody for about 02 years and 03 months. There is no other case against him. He further submits that out of 16 witnesses, only 03 witnesses have been examined so far.

Learned State counsel does not dispute the custody period of the petitioner and the fact that out of 16 witnesses, 03 witnesses have been examined so far. He further submitted on the strength of the custody certificate that there is no other case against the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody for about 02 years and 03 months, coupled with the fact that as against the total 16

witnesses cited by the prosecution, only 3 witnesses have been examined and trial is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is made clear that in case the petitioner is found involved in any other case under the NDPS Act, the prosecution shall be at liberty to seek cancellation of his bail.

(HARI PAL VERMA)
JUDGE

February 23, 2021.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.