

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

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CRM-M-1479-2022 (O&M)

Date of Decision: 23.05.2022

SUKHJINDER SINGH @ SUKHI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. RS Sidhu, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this 2nd petition, the petitioner seeks regular bail in case bearing FIR No.234 dated 06.09.2019, registered at Police Station Lehra, District Sangrur, under Section 22 of the NDPS Act. 1st one having been dismissed as withdrawn on 29.06.2020.

Status report by way of an affidavit dated 04.03.2022 of the Deputy Superintendent of Police, Sub-Division, Lehra, District Sangrur, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that, though a commercial quantity of contraband was effected from the petitioner, yet the fact remains that he has been in custody for the last more than two years and eight months and that co-accused, namely, Madan Lal, has already been granted the concession of regular bail on 09.07.2021. He further submits

that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the commercial quantity was effected from the petitioner and thus, the petitioner is not entitled for the concession for regular bail. He further submits that there are total 18 prosecution witnesses and the prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than two years and eight months. Co-accused has already been enlarged on bail. All the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. All these facts persuade this Court to grant bail to the petitioner despite the rigors of Section 37 NDPS Act in the present case. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

23.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No