

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1767-2022

DATE OF DECISION: MAY 18, 2022

SUKHCHAIN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. KUNAL CHOKSI, ADVOCATE
FOR MR. S.P.S. KHAIRA, ADVOCATE
FOR THE PETITIONER.

MR. RAMANDEEP SINGH 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.78 dated 18.6.2021, under Section 22/25 NDPS Act, Police Station Sadar Jagraon, District Ludhiana (Rural), who 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.”

Learned counsel for the petitioner has argued that a false case has been planted upon the petitioner. He further submits that the challan already stands filed and out of total 12 prosecution witnesses, no witness has been examined till date. He, therefore, prays that as the trial would take time to conclude, the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by ASI Zorawar Singh has opposed the aforesaid prayer on the ground that 1000 tablets of Tramadol were recovered from the petitioner from the spot. However, it is not disputed that the challan stands filed and out of total 12 prosecution witnesses, none has been examined so far.

Considering the above background, the custody of the petitioner, and the fact that challan has been filed, but no prosecution witnesses has been examined so far, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude. Further, the witnesses are the police officials and at present, there does not seem any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

May 18, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No