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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6771-2022 (O&M)

Decided on 22.02.2022

(Heard through VC)

SUKHJIT SINGH @ SUKHA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Randeep Singh Rana, Advocate
for the petitioner.

Mr. A. S. Gill, Sr. DAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.106 dated 22.06.2021 under Sections 21 and 22 of the NDPS Act registered at Police Station Dehlon, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the FIR. It is submitted that the petitioner herein has been kept in custody on account of recovery of 5 grams of heroin alongwith the weight of the polythene bags which would not construe recovery of a commercial nature. It is also submitted that there is no allegations in the FIR. It is also submitted that the State is fastening the recovery of 2000 loose tablets from the home of the petitioner on the disclosure statement which can not be taken into account. Moreover, only 20 tablets out of 2000 loose tablets were sent to FSL for examination which again would vitiate the very trial. It is also submitted that investigation in

the matter is complete and the challan stands presented. Trial is likely to take some time to conclude, therefore, custody of the petitioner would no longer be required.

Per contra, learned State counsel would oppose grant of bail to the petitioner by contending that the allegations levelled against the petitioner are serious in nature but is not in a position to dispute the fact that only 5 grams of heroin was recovered from the petitioner herein and recovery of 2000 loose tablets was effected on the disclosure statement. It is also not disputed that the investigation stands completed and challan has been presented.

I have heard counsel for the parties and have also perused case file.

Keeping in view the fact that the matter has been investigated and the trial is likely to take time to conclude, no useful purpose would be served in keeping the petitioner behind bars any longer. Without commenting the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

22.02.2022

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Whether speaking/reasoned :
Whether Reportable :

(JAISHREE THAKUR)
JUDGE
Yes No
Yes No