

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

CRM-M-16123-2021
Date of decision: 20.05.2022

Sukhchain Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.01 dated 01.01.2020, registered at Police Station Special Task Force, District STF Wing (Phase-4 Mohali), under Section 22 NDPS Act.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though recovery of intoxicant tablets allegedly effected from the petitioner and the co-accused, falls under the commercial quantity, yet the fact remains that the petitioner has been in custody since 01.01.2020 and out of 15 prosecution witnesses, only 07 witnesses have been examined so far. The conclusion of the trial would take a long time. So far as other case i.e. FIR No.129 dated 28.07.2015, under Section 15 NDPS Act, Police Station Sadar, Samana, registered against the petitioner is concerned, he has been acquitted therein, vide judgment dated 06.05.2019 passed by the trial Court. On this premise, the learned counsel prays for the grant of bail to the petitioner. In support of her contentions, the learned counsel relies upon the order delivered by the Hon'ble Supreme Court in Special

Leave to Appeal (Crl.) No.7871/2021, titled as 'Sushil Biswas Vs. State of West Bengal', decided on 08.12.2021.

On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, submits that the recovery of extent of intoxicant tablets effected in the present case, falls under the commercial quantity. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 01.01.2020. Out of 15 prosecution witnesses, 08 witnesses are yet to be examined. The petitioner has since been acquitted in another case registered against him under the NDPS Act. 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, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, it is made clear that in case, the petitioner is found indulged in any other case under the NDPS Act, the prosecution would be at liberty to seek cancellation of his bail in this case.

20.05.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No