

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12736-2020
Date of decision: 12.07.2022

Sukhchain Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anil Kumar Bhardwaj, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.

The petitioner seeks grant of regular bail in case bearing FIR No. 12 dated 02.02.2020 under Section 21 of the NDPS Act, registered at Police Station Sadar Ferozepur, District Ferozepur.

Vide order dated 14.10.2020, the petitioner was granted interim regular bail by a Coordinate Bench of this Court.

Learned counsel for the petitioner would contend that no recovery was effected from the petitioner; that as per the prosecution version, the alleged recovery was effected by the BSF on 01.02.2020 at 5.50 p.m., whereas the petitioner was arrested on 02.02.2020 at 11.30 a.m.; the alleged recovery was effected from the fields of Hazara Singh, whereas the petitioner was arrested from the fields of Gurdeep Singh. He further submits that though the DSP (City), Ferozepur, filed an affidavit dated 24.08.2020, yet nothing was brought out regarding the petitioner's connection with the Pakistani smugglers.

On the other hand, the learned State Counsel submits that recovery of 1 Kg Heroin, one Pakistani Sim and two mobiles, was

effected from the spot. It is further submitted that the petitioner along with the co-accused was approaching the place of occurrence, which had resulted into their arrest and that this speaks volumes of their complicity in the crime. He, however, states that there is no other case registered or pending against the petitioner.

I have heard learned counsel for the parties.

The petitioner's arrest on the next date of the alleged recovery is not disputed. Before grant of interim regular bail vide order dated 14.10.2020 by the Coordinate Bench, the petitioner had been in custody for more than 8 months. No recovery was effected from the petitioner. Besides, there is no other case, registered or pending against the petitioner.

In view of the above, the order dated 14.10.2020 passed by the Coordinate Bench, granting interim regular bail to the petitioner is made absolute.

Disposed of.

(HARNARESH SINGH GILL)
JUDGE

12.07.2022
ds

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No