

CRM-46811-2022 in/and
CRM-M-16147-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-46811-2022 in/and
CRM-M-16147-2022 (O&M)
Date of Decision: 09.12.2022

SATNAM SINGH ALIAS SATTA

.. Applicant/Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Sharma, Advocate for
Mr. Sumeet Pal Singh Khaira, Advocate for
applicant-petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

CRM-46811-2022

This application is for pre-poning the date of hearing of the
main petition to an early date.

Notice in the application.

At this stage, Ms. Ishneet Kaur, Advocate accepts notice on
behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to
today.

Main case

Petitioner has prayed for grant of regular bail under Section 439
Cr.P.C, pending trial in case FIR No.257 dated 04.12.2019 registered under
Sections 22 and 25 NDPS Act, 1985 at Police Station City Jagraon, District

Ludhiana. The petitioner is in custody since his arrest on 04.12.2019.

As per prosecution, recovery of alleged contraband (50,000 intoxicant tablets of Tramadol Hydrochloride SR-100, Clovidol SR-100) was effected from the boot of the Swift car bearing No.PB-10-CL-5358, which was driven by co-accused Amandeep Singh @ Gogi and petitioner (Satnam Singh @ Satta) was sitting on the rear seat.

Learned counsel for the petitioner has argued that as per prosecution, co-accused Amandeep Singh @ Gogi along with the petitioner- Satnam Singh @ Satta was apprehended on the basis of secret information and recovery of 50,000 tablets of Tramadol Hydrochloride was effected from vehicle bearing No.PB10CL5358. He submits that the petitioner is not involved in any other case of similar nature, who was a passenger with Amandeep Singh, co-accused and owner of the car. He submits that the case of the petitioner is distinguishable from co-accused. According to him, the petitioner is in custody more than three years, but the trial is still continuing and only three witnesses have been examined so far. He prays for regular bail.

Learned State counsel, assisted by ASI Naseeb Chand has opposed the prayer on the ground that the recovered quantity is commercial in nature as per the provisions of NDPS Act, who also produced the custody certificate of the petitioner by way of affidavit of Kanwar Surteg Singh, PPS Deputy Superintendent of Central Jail, Ludhiana, which indicates that he is not involved in any other case of similar nature. However, the petitioner is also involved in two other cases under IPC, wherein he is on bail. She, on instructions, states that the charges were framed on 04.08.2021 and eight prosecution witnesses still remain to be examined.

After hearing the learned counsel for the parties and considering the above background, particularly the custodial period of the petitioner, his further detention behind the bars may not be necessary for any useful purpose, as the trial would consume considerable time to conclude. Apart from it, the material witnesses are police officials and at present there does not seem to be 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 subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

09.12.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No