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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.16604 of 2022 (O&M)

Date of decision: 10.05.2022

Sucha Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Dhaliwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.57 dated 09.03.2020, under Sections 22 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station Sardulgarh, District Mansa.

Counsel for the petitioner has submitted that as per the allegations in the FIR, a ruqa was sent by HC Maya Ram that he has apprehended 02 persons, who are carrying the intoxicant tablets on a motorcycle. On this, SI Kesar Singh was deputed for further investigation. He reached at the spot and thereafter, during the investigation, the first person told his name as Sucha Singh and the second person told his name as Baljeet Singh. After giving a notice under Section 50 of the NDPS Act, in which they reposed confidence

on the Investigating Officer himself, the SI conducted the search of the envelopes and 60 strips of intoxicated tablets were recovered, each strip containing 10 tablets, total 600 tablets of TRAMADOL HYDROCHLORIDE, whereas 40 intoxicated tablets were recovered from the co-accused Baljeet Singh.

Counsel for the petitioner has further submitted that the petitioner, at one point of time, was granted the concession of interim bail awaiting the report of FSL and after availing the same, he has surrendered back on time and never misused the concession of bail. It is also submitted that even the High Powered Committee vide its recommendation dated 11.05.2021, has made the recommendation that the interim bail be granted to the petitioner, however, the Judge Special Court, Mansa vide order dated 03.06.2021, did not accept the same on the ground that the recovery effected from the petitioner falls in the commercial quantity. It is also submitted that Baljeet Singh has already been granted the concession of bail vide order dated 10.04.2020 passed by the Judge, Special Court, Mansa. It is further submitted that the petitioner is an old man aged about 70 years and is suffering from multiple health issues.

Counsel for the petitioner has also argued that challan stands presented and charges were framed on 01.04.2020, however, out of 13 PWs, none has been examined so far as the trial was delayed substantially due to COVID-19 situation. Lastly, it is submitted that the conclusion of the trial will take some time though, he is involved in 02 other FIRs but is on bail.

Counsel for the State on the basis of the Custody

Certificate has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in one more FIR No.18 dated 06.02.2021 registered under the NDPS Act.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 year, 01 month and 29 days; the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.05.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No