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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21309-2021 (O&M)
Date of Decision:22.03.2022

Sukhdev Singh @ Munni

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Tarun Seth, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.0008 dated 24.01.2021 registered under Sections 22 and 25 NDPS Act, 1985 (Section 29 NDPS Act added later on) at Police Station Sadar Raikot, Ludhiana (Rural). The petitioner is in custody since his arrest on 24.01.2021.

As per prosecution, on 24.01.2021, recovery of alleged contraband (13200 Tramadol Hydrochloride tablets) was effected from Harmesh Singh @ Messi and Sukhdev Singh @ Munni (petitioner), who were coming on motorcycle bearing registration No.PB37-F-8353.

Learned counsel for the petitioner has argued that the police has falsely implicated the petitioner, as the alleged recovery of 13200 Tramadol Hydrochloride tablets cannot be attached to the petitioner, who was a pillion rider on a two wheeler being driven by his co-accused, namely, Harmesh Singh @ Messi. He submits that as per prosecution, the contraband contained in a bag was kept in between the two occupants of the

motorcycle, therefore, the petitioner was not in conscious possession of the contraband, so he deserves the concessin of regular bail.

Learned State counsel assisted by ASI Harpal Singh, has referred to the reply filed by way of affidavit of Gurbachan Singh, PPS, DSP, Raikot, District Ludhiana (Rural) and opposed the prayer on the ground that the petitioner is the owner of the motorcylce, which was driven by his co-accused and he was arrested on the spot. According to him, the investigation of the case is complete and out of total eighteen prosecution witnesses, twelve witnesses have been examined, and the alleged recovery falls in commercial quantity, therefore, he does not deserve this concession.

After hearing the learned counsel for the parties and considering the above background, particularly the nature and quantity of the contraband, this Court is not inclined to extend the concession of regular bail to the petitioner at this advanced stage of trial, which is likely to conclude in near future.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is dismissed.

22.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No