

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

CRM-M-37788-2021(O&M)

Date of Decision: 18.01.2022

SURJIT RAM

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P. S. Dhaliwal, Advocate,
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is first bail petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.158, dated 01.06.2021, registered under Section 22 of NDPS Act, at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner would contend that the petitioner has falsely been implicated in the present case. It is submitted that Sikandar Singh was arrested having been found in possession of 23 strips of intoxicant tablets by ASI Sukhpal Singh and during the investigation, said Sikander Singh disclosed that he had bought the intoxicant tablets from one Sukhmandar Singh @ Sukhwinder Singh @ Kapil. Thereafter,

said Sukhmandar Singh @ Sukhwinder Singh @ Kapil nominated the petitioner Surjit Ram by stating that the above tablets, were supplied by Surjit Ram. On 03.06.2021, a secrete information was received by the Investigation Officer that Surjit Ram was heading from village Malakpur Khiala to Village Tamkot and ultimately he was apprehended. It is contended that once the petitioner was named on the basis of disclosure statement, the State ought to have made proper arrangement for presence of a Gazatted officer on the spot to conduct his search which was not done and in fact the so called recovery has been foisted upon him. This is not a case of chance recovery as the petitioner has been named specifically on the basis of disclosure statement of co-accused Sukhmandar Singh @ Sukhwinder Singh @ Kapil. It is argued that matter has been investigated and challan presented. Moreover, the trial is likely to take some time to conclude.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioner, would contend that the recovery has been effected from the petitioner herein and the motorcycle as recovered, belonged to him.

I have heard learned counsel for the parties. The petitioner herein was arrested on the basis of disclosure statement of co-accused Sukhmandar Singh @ Sukhwinder Singh @ Kapil. It would be a matter of trial as to whether this is a case of chance recovery or whether there would have been a necessity of presence of Gazatted officer at the spot. Investigation is complete and challan has presented. Trial is likely to take

long to conclude. In such circumstances, I deem it appropriate to allow regular bail to the petitioner, at this stage.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal bond in a sum of ₹1 lakhs with one surety of like amount to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

(JAISHREE THAKUR)
JUDGE

18.01.2022
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No