

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

215-A

CRM-M-47606-2021 (O&M)

Date of Decision: 24.05.2022

SUKHJINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. DS Kahlon, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

CRM-17662-2022

This is an application for adding Section 62 of the NDPS Act in the head note and prayer clause of the petition.

Learned State counsel submits that he has no objection if the present application is allowed.

In view of the above, the present application is allowed and Registry is directed to add Section 62 of the NDPS Act in the head note and prayer clause of the petition.

CRM-M-47606-2021

Through this petition, the petitioner seeks regular bail in case bearing FIR No.29 dated 24.02.2021, registered under Sections 21, 22, 25, 27(A), 29 and 62 of the NDPS Act, 1881; Section 25 and 27 of the Arms Act, 1959; Section 3 of the Indian Passport Act, 1920 and Section 14 of the Foreigners Act, 1946, at Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner submits that no recovery of contraband was effected from the petitioner or his house and that only recovery of amount of Rs.4,00,000/- was effected from a polythene envelope, which was buried beneath ground a tree opposite his house, which was later on termed as the drug money. He further submits that the said amount was received by the father of the petitioner after selling some immovable property and gold ornaments. Still further, it is submitted that the petitioner has been in custody for the last more than one year and two months; that co-accused, namely, Tehal Singh, has already been granted the concession of bail by this Court on 05.10.2021 and that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner along with the other accused persons went near to the Indo-Pak fence for the reasons best known to them.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than one year and two months. Similarly situated co-accused has already been enlarged on bail. There is no other case registered and/or pending against the petitioner. As per the learned counsel for the petitioner, no recovery of contraband was effected from the petitioner in the present case. The trial of the case would take a long time to conclude. Therefore, no useful

purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

24.05.2022

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No