

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CRM-M-6145 of 2023
DATE OF DECISION:-14.03.2023

Sukhdeep Singh @ Seepa

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Charanjit Singh, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.145 dated 16.07.2020 under Sections 22(c) of NDPS Act, 1985 registered at Police Station Sadar Bathinda, District Bathinda.

In the present case, the allegations levelled against the petitioner are about alleged recovery of 1 Lakh Tramadol tablets from the tyres of the truck being driven by the petitioner. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* and out of the total 25 witnesses as cited by the prosecution, only 2 have been examined so far that too partially. Learned counsel further submits that the petitioner is behind the bars for a period of more than 2 years and 8 months now and the conclusion of the trial is likely to take some time, thus, relying upon the Article 21 of the Constitution of India which entails speedy trial, learned counsel for the petitioner prays for grant of regular bail.

On the other hand, learned State counsel opposes the prayer made

herein while submitting that there is one another FIR i.e. FIR No.210 of 16.10.2019 under Section 22, 25, 61, 85 of the NDPS Act, 1985, registered at Police Station Sangat and thus, he relies upon Section 37 of the NDPS Act, 1985.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

Considering the fact that petitioner is behind the bars for a period of 2 years & 8 months now and only 2 of the prosecution witnesses have been examined so far that too partially out of total of 25 as cited by the prosecution and thus, completion of trial is definitely going to take some time. Besides it, petitioner has already been granted bail in FIR No.210 dated 16.10.2019 vide order dated 12.01.2023 passed in **CRM-M-55050-2022** titled ***Sukhdeep Singh alias Seepa Vs. State of Punjab***. Reliance can be placed upon the law laid down by Hon'ble the Supreme Court in "Special Leave to Appeal (Crl.) No.5530/2022, titled as "***Mohammad Salman Hanif Shaikh vs. The State of Gujrat***", Special Leave to Appeal (Crl.) No.4173/2022, titled as "***Shariful Islam @ Sarif vs. The State of West Bengal***" and Special Leave to Appeal (Crl.) No.5769/2022, titled as "***Nitish Adhikary @ Bapan vs. The State of West Bengal***". Thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

14.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No