

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-16962-2023
Date of decision: 17.05.2023

Sukhpal Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.0057 dated 02.03.2021 under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Patran, District Patiala.

2. Learned counsel for the petitioner *inter alia* contends that though a secret information was received by the police qua the involvement of co-accused Surinder Singh indulging in sale of intoxicant tablets, however, neither was the petitioner named therein nor any recovery effected from him even thereafter. He submits that the petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused from whom the recovery of 2460 tablets of Tramadol was effected. Learned counsel submits that the false implication of the petitioner in the FIR in question finds

credence from the fact that he has no criminal past much less being involved in any other case under the NDPS Act. He, thus, prays for extending the concession of bail to the petitioner as investigation is complete and the trial shall take considerable time to conclude as only 01 out of the 20 prosecution witnesses cited have been examined till date.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite has not disputed that the petitioner was neither named in the secret information nor any recovery of contraband effected from him subsequent to his arrest on 09.05.2021 but was nominated as an accused on the basis of a disclosure statement suffered by co-accused.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been nominated as an accused on the basis of a disclosure statement allegedly made by co-accused. The trial is unlikely to conclude in the near future as only 01 out of the 20 prosecution witnesses cited has been examined till date. The petitioner as conceded by the learned State counsel is not involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, this Court, thus, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on

the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

17.05.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No