

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20364 of 2021 (O&M)

Date of Decision: 13.04.2023

Sukhwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Dr. Rau P.S. Girwar, Advocate
for the petitioner.

Mr. Dhruv Dayal, Addl.AG, Punjab.

HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.68 dated 25.05.2020 under Sections 22/25 of NDPS Act (Section 29 of NDPS Act added later on) registered at P.S Sadar Jagraon, District Ludhiana.

As per the prosecution version, on 25.05.2020, ASI Gursewak Singh during patrolling duty was present at T Point Kaunke Khosa. Two persons on motorcycle No.PB10-FU-5478, who were wearing bags, came there and on the basis of suspicion, they were apprehended. The driver of the motorcycle disclosed his name as Hardeep Singh and pillion rider as Sukhwinder Singh (petitioner). DSP Gurdeep Singh Sub Division Jagraon was called at the spot and in his presence on search of the bag of Sukhwinder Singh (petitioner), 13 boxes of intoxicant tablets Tramadol Hydrochloride 100 mg Clovidol-SR total 6450 intoxicant tablets have been recovered. During interrogation, petitioner Sukhwinder Singh on 27.05.2020 made a confessional statement that the recovered contraband was procured from one person namely doctor and from him huge quantity of intoxicant tablets could be got

recovered. Accordingly, on 28.05.2020, Mohammad Asraf @ doctor was arrested on the identification of petitioner Sukhwinder Singh in the area of Shekhupur (UP) and one bag which was lying on the seat of motorcycle No.UP19D1801 containing total 18 boxes of intoxicant tablets Tramadol Hydrochloride 100 mg Clovidol-100 SR total 9000 intoxicant tablets was recovered from him.

Ld. counsel for the petitioner submits that false recovery has been foisted upon the petitioner. The petitioner has been in custody since 25.05.2020 and that there is no other criminal case registered against him. He submits that co-accused M.P Asraf has already been granted regular bail by coordinate Bench of this Court in CRM-M-25541-2022 vide order dated 23.03.2023. He contends that the trial is at a preliminary stage and there is no likelihood of completion of trial in the near future and in view of delayed trial and keeping in the mind the right to a speedy trial, the petitioner can be granted bail.

He refers to the decisions of the Hon'ble Supreme Court in SLP(Crl.) No.4173/2022 titled Shariful Islam @ Sarif vs. The State of West Bengal decided on 22.03.2022, SLP(Crl.) No.5769/2022 titled Nitish Adhikary @ Bapan vs. The State of West Bengal decided on 04.05.2022, Criminal Appeal No.1169 of 2022 titled Gopal Krishna Patra @ Gopalrusma vs. Union of India decided on 05.08.2022 and Special Leave to Appeal (Crl.) No.3961/2022 titled Abdul Majeed Lone vs. Union Territory of Jammu and Kashmir decided on 01.08.2022, where bail has been granted taking into account the custody of the petitioners and the stage of the trial.

Learned State counsel, on instructions from ASI Kulwant Singh, does not dispute the custody period. It is stated that charges have been framed and out of 21 prosecution witnesses, only three have been examined so far.

Without commenting upon the merits of the case and taking into

consideration all the factors and parameters, as propounded in the aforesaid judgments apart from bearing in mind the custody period as also the fact that the trial is not likely to be concluded in near future the present petition is allowed. The petitioner Sukhwinder Singh is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that if the petitioner involves himself in similar type of activity, while on bail, the State shall be at liberty to move for cancellation of his bail.

April 13, 2023

manoj

(HARINDER SINGH SIDHU)
JUDGE