

CRM-M-38553-2022

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2023:PHHC:066743

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
212

CRM-M-38553-2022

Date of Decision: 09.05.2023

Sukhpal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

1. Custody certificate dated 08.05.2023 filed by learned counsel for the State is taken on record.
2. The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 208 dated 06.09.2020 registered under Sections 15, 25 and 29 of the NDPS Act and Sections 420, 473 and 465 IPC at Police Station Bhikhi, District Mansa.
3. According to the prosecution story, on 06.09.2020, co-accused of the petitioner, namely; Kamikar Singh and Janta Singh, were apprehended by the police with conscious possession of 200 Kgs. of poppy heads. During interrogation, they disclosed that owner of the truck is Sandeep Kumar @ Sunny and Sukhpal Singh (petitioner herein)

as his companion and they used to supply poppy heads.

4. Learned counsel, *inter alia*, contends that petitioner has falsely been implicated in the present case under Section 29 of the NDPS Act, on the basis of disclosure statement suffered by his co-accused which is a very weak type of evidence. Nothing has been recovered from the conscious possession of the petitioner. He is in custody since 24.06.2022. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. More so, co-accused of the petitioner, namely; Janta Singh and Kamikkar Singh from whom the alleged contraband was recovered have already been enlarged on bail by a co-ordinate Bench this Court vide orders dated 02.02.2022 and 15.02.2022 (Annexures P-2 and P-3, respectively). Thus, it is prayed that the petitioner may also be released on regular bail.

5. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner.

6. Keeping in view the facts and circumstances of the case, custody period of the petitioner, the fact that co-accused of the petitioner have already been enlarged on bail by a co-ordinate Bench of this Court vide orders dated 02.02.2022 and 15.02.2022 (Annexures P-2 and P-3) and also the fact that the petitioner was implicated in the present case under Section 29 of the NDPS Act, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

7. Therefore, the petition is allowed and petitioner, namely; Sukhpal Singh, is ordered to be released on regular bail on furnishing of

bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

8. However, the State will be at liberty to file application for cancellation of petitioner's bail, if he is found involved in any other case under the NDPS Act, during the period of bail.

09.05.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No