

217-2

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46068-2021 (O&M)
Date of Decision: January 11, 2023

SUKHPREET SINGH @ SUKH

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vipul Jindal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G. Punjab.

SANDEEP MOUDGIL, J.(ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.14 dated 10.06.2021 under Sections 13, 17, 18, 18-B and 20 of Unlawful Activities (Prevention) Act 1967 (Amendment 2012) Section 25 of Arms Act, 1959, Sections 120-B, 489-A, 489-B, 489-C of IPC and Sections 21, 25, 27-A and 29 of NDPS Act registered at Police Station State Special Operation Cell, Amritsar.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case and in fact it is a pure case of planting with the concoction of the story in fact the recovery alleged with the petitioner is also not correct.

On asking of the Court Mr. Mohit Kapoor, Addl. A.G. Punjab, accepts notice and produced the custody certificate. According to the custody certificate the petitioner is behind the bars 01 year and 03 months. The perusal of the same also depicts that two more FIRs have been registered against the present petitioner i.e. FIR No.81 dated 29.06.2019 and FIR No.17 dated 04.02.2021 (both under NDPS Act). The petitioner is on bail in FIR No.17 but is not on bail in FIR No.81 though has been

shown to be in actual custody as under trial from 20.08.2021 to 20.09.2021 the date on which the instant custody certificate was prepared.

This Court very conveniently can infer that the petitioner was in custody in other two FIRs i.e. FIR No.81 dated 29.06.2019 and FIR No.17 dated 04.02.2021 wherein he has been implicated in the present case merely on the basis of the disclosure statement of Lovedeep Singh @ Lala. Despite the fact that no recovery was effected and, in fact, cannot be effected particularly keeping in view the fact that on the date of alleged occurrence, i.e., 10.06.2021, the petitioner was in jail.

Further submission of the learned State counsel with regard to the recovery part, 03 mobile phones from the petitioner is alleged to have been recovered and on that day as well the petitioner was in custody according to the custody certificate which raises a serious doubt on the prosecution story.

However, without commenting on the merits of the case, the petitioner is directed to be released on bail, subject to the satisfaction of CJM/Duty Magistrate concerned, as the trial is likely to take some more time and no fruitful purpose would be served by keeping the petitioner behind bars. No observations made hereinabove shall be taken as any inference during the course of trial.

Disposed of.

(SANDEEP MOUDGIL)
JUDGE

11.01.2023
Sangeeta

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