

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

212

CRM-M-45859-2021 (O&M)

Date of Decision: 24.07.2023

SANDEEP SINGH @ SIPPY

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vidit Bansal, Advocate
for the petitioner.

Mr. CL Pawar, Additional AG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.363 dated 17.10.2020, registered under Sections 21 and 21(c) of the NDPS Act, at Police Station Sadar, Fazilka.

Learned counsel for the petitioner submits that initially the FIR was registered against unknown persons; that neither the petitioner was named in the FIR, nor any recovery was effected from his conscious possession; that the petitioner was not arrested at the spot; that the petitioner was indicted in the present case after obtaining production warrants and that the petitioner has been in custody since 07.01.2021. He further submits that out of total 19 prosecution witnesses, only 1 has been examined so far and that co-accused, namely, Kirpal Singh, Gurcharan Singh @ Channa and Surjeet Singh @ Labhu, have since been granted the concession of regular bail by a Coordinate Bench of this Court.

Learned counsel for the petitioner further submits that there is no link evidence in the present case, in order to connect the petitioner with the offence and that as far as another case under the NDPS Act is concerned, the petitioner is on bail.

In support of his contentions, learned counsel for the petitioner relies upon the order dated 25.01.2023 passed by the Hon'ble Apex Court in Special Leave to Appeal (Crl.) No.6690-2022 titled as 'Dheeraj Kumar Shukla vs. State of Uttar Pradesh'.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the recovery effected in the present case is a commercial quantity and Section 37 of the NDPS Act bars the grant of bail to the accused persons involved in a commercial quantity case. He further submits that the petitioner is a habitual offender and facing one more case under the NDPS Act and that material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

FIR was registered against the unknown persons. The petitioner was involved in the present case, after obtaining production warrants. The petitioner has been in custody since 07.01.2021. Co-accused have already been enlarged on bail. As per the learned counsel for the petitioner, no recovery was effected from the conscious possession of the petitioner. The petitioner was not arrested at the spot. As far as

another case under the NDPS Act is concerned, the petitioner is on bail. Eighteen prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

24.07.2023

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No