

CRM-M-44202 of 2022

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRM-M-44202 of 2022  
Date of decision: 01.03.2023

Sukhjinder Singh @ Vicky

.....Petitioner

versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Shiv Kumar Sharma, Advocate,  
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

**NAMIT KUMAR, J. (ORAL)**

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.0084 dated 20.07.2022 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Nurpur Bedi, District Rupnagar.

According to the prosecution, on 20.07.2022 at about 09.15 pm, ASI Jognath received a secret information that accused Mehardeen @ Mehru and petitioner-Sukhjinder Singh, who were habitual traffickers of intoxicant substance were coming from the side of Anandpur Sahib via Village Burj towards Nurpur Bedi, on a scooter bearing registration No.PB-12-AB-9851 and on the basis of said information check point was held at T-point Village Rauli and Mehardeen and petitioner-Sukhjinder Singh were apprehended. Petitioner and his co-accused threw polythene on the ground

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and on checking the polythene thrown by Mehardeen 18 grams of intoxicant powder was recovered and from polythene thrown by petitioner 32 grams intoxicant was recovered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that recovery of 32 grams of intoxicating powder allegedly effected from the petitioner falls under the non-commercial quantity; FSL report has been received; petitioner is in custody since 20.07.2022; investigation in the present case is complete; challan has been presented before the Court on 10.10.2022; charges have been framed; out of total 13 prosecution witnesses none has been examined and the case is now fixed before the trial Court on 06.03.2023. He further submits that co-accused, namely, Mehar Deen @ Mehru has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 13.12.2022 passed in CRM-M-42003 of 2022 and the trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that as per the FSL report, the intoxicant powder recovered from the petitioner and the co-accused, was containing Alprazolam, and that the petitioner was found in possession of 32 gram Alprazolam whereas co-accused Mehar Deen @ Mehru, 18 gram Alprazolam. He further submits that dope tests of the petitioner and the co-accused were found positive with Morphine and Buprenorphine and, therefore, Section 27 NDPS Act was also added to the present case. He further submits that petitioner is also involved in one more case bearing FIR No.113 dated 10.08.2014 under Section 21 of the NDPS Act, registered at

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Police Station Nurpur Bedi, District Rupnagar. However, he could not dispute that petitioner is at parity with his co-accused, who has been granted the concession of regular bail by a Co-ordinate Bench of this Court.

I have heard learned counsel for the parties and perused the record.

Keeping in view the custody period of the petitioner; co-accused Mehar Deen @ Mehru has already been granted the concession of regular bail; investigation is complete; challan has been presented; charges have been framed; out of 13 prosecution witnesses none has been examined as yet; and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

Nothing stated hereinabove, shall be construed as an expression of opinion on the merits of the case.

**01.03.2023**  
R.S.

**(NAMIT KUMAR)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No