

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

CRM-M-54535-2022

Date of decision : 11.05.2023

Sukhchain Singh @ Channu

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ruhani Chadha Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.18 dated 10.02.2020 registered under Sections 21 and 25 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sidhwan Bet, District Ludhiana, who is in custody since his arrest on 10.02.2020.

As per the case of prosecution, a secret information was received by the police while on patrolling duty that Sukhchain Singh @ Channu (petitioner) and Gurwinder Singh @ Guri residents of Khurshedpura used to sell 'heroin', who would be coming from the side of village Khurshedpura to City Sidhwan Bet on their Splendor motorcycle bearing No.PB-10-GD-0596 colour black for supplying the 'heroin'. Concerned police officials raised a naka and apprehended petitioner, his co-accused-Gurwinder Singh @ Guri and made a recovery of 25 grams 'heroin'. Subsequently, both accused made their disclosure statements on 11.02.2020, whereupon about 260 grams of narcotic powder was also recovered.

Learned counsel for the petitioner has argued that as per the prosecution, initially, the petitioner along with his co-accused was found in possession of 25 grams heroin and later on, 260 grams of intoxicant powder was allegedly recovered on their disclosure statement from an open place near Satluj River Bridge, Khurshedpura. He further states that after commencement of trial only four witnesses have been examined by prosecution so far out of total 08 witnesses and the co-accused has already been released on regular bail vide order dated 15.11.2022 (Annexure P-2). He prays for bail.

Learned State counsel assisted by SI Satpal Singh, while opposing the prayer has argued that the total recovered contraband is commercial in nature and petitioner is involved in three more cases of similar nature.

At this stage, learned counsel for the petitioner submits that in two other cases bearing FIR No. 262 dated 01.01.2014 and FIR No. 206 dated 22.07.2017, the petitioner was allegedly carrying 5 grams 'heroin' each, whereas in the third case bearing FIR No. 75 dated 29.05.2015, he was carrying 10 grams 'heroin'. He further submits that in other cases the petitioner has already released on bail.

Learned State counsel on instructions from SI Satpal Singh does not dispute this fact that in other cases the petitioner has been granted the concession of regular bail.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner as well as the fact that the co-accused has already been released on bail, this Court is of the opinion that further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on

10.02.2020. Apart from it, the remaining prosecution witnesses are police officials and at present, there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

		(MANOJ BAJAJ)	
		JUDGE	
11.05.2023	Whether speaking/reasoned :	Yes	No
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