

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 59505-2022 (O&M)
Date of Decision: 09.03.2023

Sukhwant Singh @ Sukha

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 26 dated 23.04.2019 under Sections 21, 29, 61 and 85 of NDPS Act registered at Police Station Special Task Force, District ST Wing, District SAS Nagar Mohali.

Learned counsel for the petitioner contends that the petitioner is in custody since 09.09.2022. He submits that the petitioner has been falsely implicated in the present case as he has been named after disclosure statement made by the other co-accused who were arrested on the spot with the recovery and later on the main accused Gurjant Singh from whom the

alleged recovery of 2 kg 300 grams of heroin was effected, has been released on bail by the Co-ordinate Bench of this Court in CRM-M-23685-2020 dated 22.11.2021 titled as Gurjant Singh vs. State of Punjab. He further submits that the challan stands presented and there are no other antecedents and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Reply and the custody certificate have been filed by the respondent-State, which are taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in two more cases, however, he does not dispute the fact that the challan stands presented and the main accused has been allowed concession of bail.

Confronted with the same, learned counsel for the petitioner submits that in one case the petitioner has already undergone the sentence awarded to him and in another case he has been released on bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 09.09.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the main accused has been granted bail and nothing is to be recovered and challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

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 concerned.

The petition is allowed.

09.03.2023
seema

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No