

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-61038-2022

Date of Decision: 18.4.2023

Sukhwinder Singh @ Vicky

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Balkar Singh Aulakh, Advocate
for the petitioner.

Mr. C.L.Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.75 dated 26.5.2022 registered for the offences punishable under Sections 22(c) of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Kabarwala, District Sri Muktsar Sahib.

The allegations in nutshell are that the police recovered 5000 tablets of Tramadol TMD SR-100 from co-accused Seema on 26.5.2022 and during investigation, she disclosed that she brought the said tablets from the present petitioner and one Ashok Kumar Seth and resultantly, the petitioner was named as accused in the instant case and was arrested on 31.10.2022 and during investigation, nothing was recovered from possession of the petitioner.

Counsel for the petitioner *inter alia* contends that the petitioner

is falsely implicated in the present case on the basis of the alleged disclosure

statement made by co-accused Seema and the same is subject matter of the trial. He further submits that the petitioner was taken into custody in the present case on 31.10.2022 and presently, he is lodged in judicial custody and during investigation, no incriminating article or contraband was recovered from his possession and that the trial is at its initial stage. He further submits that one another case under NDPS Act is also registered against the petitioner in which he has been enlarged on bail by Coordinate Bench of this Court vide order dated 23.2.2023 having CRM-M-56744-2022. Copy of the said order is taken on record.

Present petition is resisted by the State counsel who submits that in the instant case, co-accused Seema was arrested along with commercial quantity of medical intoxicants and she disclosed to the police that the said contraband was procured by her from the present petitioner and resultantly, the petitioner was arrested in this case on 31.10.2022. However, the State counsel has not disputed the fact that during investigation, no contraband was recovered from the possession of the petitioner and that on conclusion of investigation, challan has been presented.

I have considered the submissions made by the counsel for the parties.

Admittedly, commercial quantity of contraband is stated to be recovered from co-accused Seema and the petitioner was named as accused and arrested in the present case on 31.10.2022 on the basis of the disclosure statement made by co-accused Seema. Admissibility and relevance of the said disclosure statement will be tested during trial. No doubt, the petitioner is also involved in one another case under NDPS Act but he has been granted bail in the said case by Coordinate Bench of this Court vide order

dated 23.2.2023.

It will take time for conclusion of trial as the same is at its initial stage. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

April 18, 2023
Paritosh Kumar

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