

CRM-M No.60229 of 2023

2023:PHHC:155623

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

210

**CRM-M No.60229 of 2023
Date of Decision: 06.12.2023**

SUKHDEV SINGH @ SUKHAPetitioner

Vs

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.259 dated 09.09.2017 registered under Sections 22/61/85 of the NDPS Act, 1985 at Police Station Sultanpur Lodhi, District Kapurthala, Punjab.
2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged recovery of 110 grams powder (Alprazolam).
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that petitioner has evaded process of law for a long period of almost five years as he did not surrender after cancellation of bail on 18.08.2018, but was arrested on 13.05.2023 only.
4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, the petitioner was originally granted interim regular bail vide order dated 04.12.2017 passed by the Judge, Special Court, Kapurthala, but was cancelled upon receipt of FSL report. However, the petitioner did not surrender before the Trial Court and was arrested on 13.05.2023 only.

6. Be that as it may, conjoint custody of the petitioner is now more than 9 months besides none of the prosecution witnesses having been examined so far and the recovery being marginally higher than the commercial quantity. I do not see any reason to extend the incarceration of the petitioner any further as custody of the petitioner after his arrest is even more than six months as of now.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

December 06, 2023
Atik

(HARKESH MANUJA)
JUDGE

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