

**2024:PHHC:006595**

**216    IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**  
**CRM-M-1417-2024**  
**Date of decision: 18.01.2024**  
**SUKHWINDER SINGH ALIAS SUKHI**

**...Petitioner**

**V/s**

**STATE OF PUNJAB**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Saurav Kanojia, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

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**HARPREET SINGH BRAR J. (ORAL)**

1.        This is the second petition filed under Section 439 of Cr.P.C. seeking grant of bail to the petitioner in case bearing FIR No. 85 dated 02.05.2018 (Annexure P-1) registered under Sections 15 and 29 of NDPS Act at Police Station Samrala, District Ludhiana.

2.        Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case as it is a case of chance recovery and all the safeguards provided under the NDPS Act are not followed. Moreover, on the the recovery memo, the details of the FIR is duly mentioned, which completely demolishes the case of the prosecution as even before registration of the FIR, the FIR number is mentioned in recovery memo and prosecution has not given any explanation in this regard.

3.        Per contra, learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that 100 KG of Poppy Husk has been recovered from the conscious possession of the petitioner and he is involved in one more case after he was granted the concession of interim bail by this Court and he did not surrender after the receipt of

the FSL report and ultimately he was declared a proclaimed offender and he is also involved in one more case under the NDPS Act in the State of Rajasthan.

4. Having heard the learned counsel for the parties and after perusing the record and in view of the conduct of the petitioner, this Court finds no ground for granting regular bail to the petitioner.

5. Hence, the present petition is hereby dismissed.

6. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)  
JUDGE

18.01.2024  
*Ajay Goswami*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |