

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223+226

CRM-M-3099-2024 (O&M)

Date of decision: 31.01.2024

Sukhwinder Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. A.P.S. Tung, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.22 dated 19.03.2022 under Sections 22, 25, 29, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Samalsar, District Moga.

2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the case in hand is evident from the fact that he has clean antecedents and has never been involved in any other criminal case. Learned counsel has further submitted that after he was arrested on 19.03.2022, charges were framed way back on 18.12.2022, however, till date the prosecution evidence had not concluded and only 04 witnesses out of the 12 cited by the prosecution had been examined. Hence, there was no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer

and submissions made by learned counsel for the petitioner, on instructions from ASI Sukhmander Singh, has submitted that a secret information was received qua the involvement of the petitioner and thereafter a recovery of 1800 intoxicant tablets was effected from the accused including the petitioner, who were riding a motorcycle at the relevant time. He has, however, not been able to dispute that as on date only 04 prosecution witnesses out of the 12 cited has been examined and the next date before the Trial Court as per the learned State counsel is 19.02.2024 when some more witnesses are likely to be examined.

4. On a pointed query put, learned State counsel has not disputed that the petitioner has clean antecedents and has never been involved in any other criminal case much less under the NDPS Act.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 19.03.2022. As conceded by learned State counsel, the petitioner is not involved in any other criminal case much less under the NDPS Act. The trial is likely to take some time to conclude as 08 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

9. In view of the regular bail granted to the petitioner, application-**CRM-3696-2024** for grant of interim bail to the petitioner, has been rendered infructuous and is disposed of as such.

31.01.2024
Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No