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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.5770 of 2021
Date of Decision: 11.11.2024

Sahib Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Gursharan Kaur Mann, Sr. Advocate,
with Mr. Jansher Singh Bajwa, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure (For short “Code”) by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0126	20.08.2019	Maqboolpura, District Police Commissionerate Amritsar	21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (For short “NDPS Act”)

2. As per the prosecution case, as on 20.08.2019, the petitioner Sahib Singh along with co-accused Major Singh and Jyoti were apprehended while they were riding in an Activa vehicle. On conducting search of the trunk of the vehicle, recovery of 10 grams of heroin and 900

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loose tablets containing salt Alprazolam was effected. The petitioner and co-accused were formally arrested by adopting due procedure. Presently, they are facing trial for commission of offences punishable under Sections 21 and 22 of NDPS Act.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was arrested from his house. A false recovery has been planted upon him. Therefore, it is urged that he too deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are specific and serious allegations against the petitioner. Recovery was effected from him and the co-accused at the spot. The bail orders in favour of Major Singh and Jyoti have been cancelled. The trial is at the fag end since it is at the stage of recording defence evidence. The petitioner is on interim bail since 29.01.2024 and may abscond by misusing such concession. Therefore, it is urged that he does not deserve to be extended benefit of regular bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. As per the allegations, recovery of commercial quantity of contraband had been effected from the custody of the petitioner and the co-accused. It is very fairly conceded by learned counsel for the petitioner that the trial is at its fag end. Even it is submitted by learned counsel that no further defence evidence is produced by the petitioner. Keeping in view the nature of the allegations as levelled against the petitioner and the fact that

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the trial is about to conclude, this Court sees no reason to allow the petition. Accordingly, the same is dismissed. The petitioner is directed to surrender before the learned trial Court within a period of one week positively. However, since it is submitted by learned counsel for the petitioner that no defence evidence is to be led by the petitioner, therefore, direction is given to the learned trial Court to dispose of the petition after hearing arguments by taking a period of not more than one and half months.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

11.11.2024
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(MANISHA BATRA)
JUDGE

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