



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206-1

CRM-M-10951-2024
Decided on : 01.07.2024

Sukhwinder Singh @ Binda

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Sangram Saron, Advocate with
Mr. M.B. Rajwade, Advocate
for the petitioner(s).

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.81 dated 05.12.2023 registered under Section 22 of NDPS Act and Section 29 NDPS (which was added in terms of General Diary No.48 dated 05.12.2023) at Police Station City Banga, District SBS Nagar, Punjab.

2. Learned counsel for the petitioner submits that the alleged recovery of 270 narcotic pills has been effected from the main accused Dalip Kumar @ Deep and not from the petitioner. He further submits that petitioner was nominated in the present FIR on the basis of supplementary disclosure statement made by the main accused against whom the present FIR was originally registered as well as cash recovery was effected. Reliance is placed on the judgments in the cases of Shince Babu vs. The State of Kerala & Another, SLP (Cri.) 16642 of 2023, Vijay @ Tolu Ram Vs. State of Haryana in CRM-M-33097-2023, Rakesh Kumar Singla Vs. Union of India in CRM-M-23220 of 2020, Vijay Singh Vs. State of Haryana in SLP (crl) 1266 of 2023, Naveen Vs. State of Haryana in CRM-

M-50518 of 2021.

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3. Learned State counsel has filed the status report in Court today. The same is taken on record. As per custody certificate dated 28.04.2024, the petitioner has undergone an actual custody of 04 months and 20 days and there is one more case under NDPS Act registered against him in case FIR No.97 dated 14.09.2022 under Sections 22/61/85 of NDPS Act. However, he admits that petitioner has been granted bail vide order dated 14.10.2022 (Annexure P-5) and the same is made absolute being a non-commercial quantity. He also submits that charges were framed on 07.06.2024 and out of a total of 18 prosecution witnesses, none have been examined. In view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard.

5. Considering the facts and circumstances of this case and in view of fact that the trial is likely to take some time, I do not find any reason to extend the incarceration of the petitioner any further.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.



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- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

July,01 2024
Kavita Nain

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No