

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M No.13299 of 2024
Date of Decision: 01.04.2024

SUKHWINDER SINGH ALIAS SUKHA

.....Petitioner(s)

Vs

STATE OF HARYANA

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Raghav Mehta, Advocate
Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Gurmeet Singh, Asstt. A.G., Haryana.

HARKESH MANUJA, J. (Oral)

[1]. By way of present petition filed under Section 439 Cr.P.C., petitioner seeks grant of regular bail in his third attempt in case bearing FIR No.407 dated 09.09.2020 registered under Section 22 of NDPS Act, 1985 at Police Station Rania, District Sirsa.

[2]. Learned counsel for the petitioner submits that in the present case for most of the time, petitioner remained on interim bail as the FSL report was received only on 10.10.2023 which was filed before the Trial Court on 17.10.2023 and thereafter petitioner surrendered on 24.11.2023 and, thus, no purpose is going to be served by keeping him behind the bars, especially when he is not involved in any other case.

[3]. On the other hand, the prayer made on behalf of the petitioner has been vehemently opposed by learned State counsel while submitting that recovery

in the present case is of commercial quantity i.e. 560 capsules Parvorin-Spas (Ridley) containing Tramadol which even was *prima facie* substantiated from the FSL report.

[4]. Perusal of the records shows that the second bail application filed at the instance of petitioner was withdrawn only on 14.02.2024 and thereafter no material change has taken place in the circumstances of the case in hand, especially when the other co-accused Bhajan Lal @ Raju, who having availed the benefit of interim bail has failed to appear before the Trial Court upon filing of FSL report, despite summons having been issued against him. Moreover, the custody period of the petitioner in the present case is only 04 months whereas the recovery involved in the present case is of commercial quantity; no substantive argument on merit as regards violation of any statutory provision has been pointed out to enable this Court to make an opinion as regards granting benefit of regular bail in favour of the petitioner.

[5]. In view of the aforesaid facts and there being a specific bar under Section 37 of the NDPS Act, I do not see any reason to grant benefit of regular bail in favour of the petitioner. The present petition is dismissed accordingly.

April 01, 2024
Atik

(HARKESH MANUJA)
JUDGE

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