

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-13110-2024
Date of Decision.:08.05.2024

Sohandeep Singh
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab
assisted by ASI Raj Kapoor.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.65 dated 18.09.2022 under Section 22 of NDPS Act, 1985 registered at Police Station Bakhshiwala, District Patiala.

2. As per the prosecution allegations, on 18.09.2022 on the basis of secret information, petitioner Sohandeep Singh along with co-accused Amrik Singh were apprehended by a police party. On search of the polythene bag carried by the petitioner, 750 intoxicating capsules make Proxywel Spas were recovered from him; whereas from another ploythene bag carried by co-accused Amrik Singh 650 intoxicating capsules make Proxywel Spas were recovered. On analysis from the FSL, the salt of Tramadol Hydrochloride was found in the sample capsules.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated; that he is in custody for the last more than 01 year and 07 month; that trial is not proceeding as not even a single witness has been examined so far and so, he be allowed bail.

4. Respondent- State has failed to file status report, despite opportunity granted to him. The facts are being noticed from the order dated 01.03.2024 passed by learned Judge Special Court, Patiala.

5. As per learned State counsel, the total weight of contraband tablets recovered from the possession of the petitioner is 398.25 grams, which falls in the commercial category. However, the custody certificate placed on record by learned State counsel would reveal that petitioner is in custody for the last 01 year 07 months and 02 days. Although petitioner is convict in case FIR No.73 dated 08.08.2018 under Section 15-61-85 of NDPS Act registered at Police Station Bakshiwalwa but learned counsel for the petitioner has informed at bar that the only recovery in that case was 01 Kg of poppy husk.

6. Apart from above, learned State counsel informs that out of 09 PWs cited by the prosecution, not even a single witness has been examined so far. Apart from this, similarly placed co-accused Amrik Singh has already been allowed bail by this Court vide order dated 11.01.2024 passed in CRM-M-20052-2023 (Annexure P-5).

7. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is

allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

May 08, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No