

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-19240-2024 (O&M)
Date of Decision:-10.12.2024

Jaswinder Singh @ Sukhwinder Singh... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Komal Balian, Advocate, Legal Aid Counsel,
for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

FIR No.	Dated	Police Station	Under Section/s
32	7.3.2023	Dakha, District Ludhiana	22, 25, 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged pursuant to receipt of secret information by the police to the effect that Sukhwinder Singh, Sukhjinder Singh @ Sunny and Ranjit Singh indulged in sale of intoxicating tablets and that even on the given day i.e. on 7.3.2023 they were proceeding in a silver coloured ‘Wagon-R’ car bearing registration No.PB-29-AE-7887 from Village Jangpur to Mandi Mullanpur. Pursuant to receipt of said information, the police was able to intercept the vehicle in question in which the aforesaid 3 persons were found to be sitting. As per the case of prosecution, a bag containing 900 intoxicating



tablets was recovered lying near the gearstick of the vehicle in question. Upon chemical analysis the tablets in question were found to contain '*Diphenoxylate Hydrochloride*'.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that as a matter of fact it is highly unlikely that the petitioner would be indulging in such like activities given the fact that one of his leg is amputated and that in any case since the petitioner was not driving the car in question and nor was himself carrying the contraband, his conscious possession of contraband would be debatable.
4. Learned State counsel while opposing the petition, submitted that the petitioner having been caught red handed at the spot alongwith co-accused, his involvement is clearly evident. Learned State counsel, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 9 months and that he stands involved in two other cases i.e. one under NDPS Act in which he has already been convicted and one under Gambling Act & Section 420 of Indian Penal Code, wherein he has been acquitted. It is not disputed that the petitioner's leg is amputated. Learned State counsel has informed that as on date 1 PW out of the cited 13 PWs has been examined.
5. This Court has considered rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case but given the fact that the petitioner, is a handicapped person and has been behind bars for a substantial period of about 1 years and 9 months and also that as on date only 1 PW out of the cited 13 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to consume time.



7. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.12.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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