



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23670-2024
Date of Decision: 16.07.2024

SUKHCHAIN SINGH @ KALA SINGH
....Petitioner

VERSUS

STATE OF PUNJAB
....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. G.S. Sandhu, Advocate
for the petitioner.

Mr. Athar Ahmad, DAG, Punjab.

HARKESH MANUJA, J. (Oral)

1. This is second petition filed under Section 439 Cr.P.C. for grant of regular in case bearing FIR No.0140 dated 10.7.2023 under Section 22 of Narcotic Drugs and Psychotropic Substances, Act, registered at Police Station Lambi, District Sri Muktsar Sahib, wherein the petitioner has been implicated with the allegations of recovery of 40 tablets of Etizolam salt.
2. Learned counsel for the petitioner submits that the petitioner is in custody since 10.07.2023 and the trial of the case may take long time, thus, prayer is for grant of bail.
3. Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while submitting that the recovery from his possession is of commercial quantity, besides he was involved in one more case of NDPS bearing FIR No.46 dated



19.04.2012 registered at Police Station Lambi, District Sri Muktsar Sahib.

4. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, investigation already stands concluded with the filing of challan, followed by framing of charges and the petitioner is in custody for the last more than one year, whereas only one prosecution witness has been examined so far out of seventeen witnesses cited by the prosecution, though charges were framed way back on 07.12.2023. The next date before the trial Court is now fixed for 20.08.2024. It may also be noticed here that the veracity of the allegations levelled in the FIR about 40 tablets of Etizolam salt being recovered from the petitioner and that too in transparent polythene bag carried in his right hand also becomes debatable especially when the petitioner already stands acquitted by the Judge Special Court, Sri Mutksar Sahib, in trial arising out of FIR No.46 dated 19.04.2012 vide judgment dated 04.04.2016. In such circumstances, this Court does not find any reason to extend his incarceration any further.

6. In view of above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate concerned.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

8. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 16, 2024
Sangeeta

(HARKESH MANUJA)
JUDGE

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