

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31646-2024(O&M)
Date of decision:-24.09.2024

Sukhdev Singh @ Sebu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Ramnish Puri, Advocate
for the petitioner.

Ms.Amrita Garg, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. This second petition has been filed under Section 439 Cr.P.C.
seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
167	23.07.2022	City Moga, District Moga	21 and 29 of NDPS Act

2. Version of the prosecution is that FIR, Annexure P1, was registered on the basis of secret information that Manpreet Singh @ Manna @ Simma, who is a drug peddler, is travelling on a scooter and selling heroin. Manpreet Singh @ Manna @ Simma was apprehended with 700



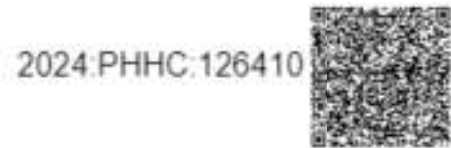
grams heroin along with drug money of Rs.50,000/-.

3. Counsel for the petitioner submits that no recovery has been effected from the petitioner and he has been arraigned on the disclosure statement of main accused. He submits that although the petitioner was named as an accused in number of cases, but he has earned acquittal in eight FIRs and he is being falsely implicated by the police authorities. He submits that the first petition preferred by the petitioner was withdrawn on 07.12.2023, Annexure P4, however the trial is proceeding at a slow pace as the prosecution has examined only four witnesses out of sixteen cited witnesses. He submits that the petitioner deserves to be released on bail as there is a remote possibility of an early conclusion of trial.

4. *Per contra*, State counsel upon instructions from ASI Ranjit Singh has opposed the petition. She has filed custody certificate dated 23.09.2024 and has submitted that the petitioner is a history-sheeter. She submits that besides the present FIR under the NDPS Act and other criminal cases, petitioner is also accused for offence under the NDPS Act in another criminal case, which is pending trial. State counsel could not dispute that no recovery has been effected from the petitioner.

5. I have heard counsel for the parties and considered their respective submissions.

6. Since no recovery has been effected from the petitioner, rigor of Section 37 of NDPS Act will not apply. Petitioner has been in detention for the last more than twenty four months and the trial is at an early stage. This Court is, therefore, of the view that the petitioner deserves to be released on



bail, but some condition has to be imposed upon him considering his criminal antecedents.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. While being released on bail, the petitioner shall furnish an affidavit by way of an undertaking that henceforth he will not indulge in any criminal activity. In case, he violates the undertaking, it shall be open to the prosecution to seek cancellation of bail.

9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

10. Pending miscellaneous application, if any, is disposed of.

(SUVIR SEHGAL)
JUDGE

24.09.2024
Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No