

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-32239-2023

Date of decision: 12.01.2024

Sukhwinder Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.303 dated 18.09.2022 under Sections 22, 29, 61, 85 of the NDPS Act registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

2. Learned counsel for the petitioner inter alia contends that the false implication of the petitioner in the case in hand is evident from the fact that he has clean antecedents and is not involved in any other criminal case much less under the NDPS Act. It has been further submitted that after the petitioner was arrested on 26.01.2023 on the basis of a disclosure statement allegedly suffered by co-accused Satinder Kumar (from whom the alleged recovery of 528 capsules of Tramadol was effected), charges had been framed on 19.05.2023 and thereafter only 02 witnesses out of the 17 cited by the prosecution had been examined, hence, there was no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Kuldeep Singh, has not disputed that the petitioner has clean antecedents and was nominated as an accused on the basis of a disclosure statement suffered by co-accused.

4. On a pointed query put to the learned State counsel as to whether any recovery of contraband was effected from the petitioner upon his arrest on 26.01.2023, he on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future since 15 more prosecution witnesses still remain to be examined. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

12.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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