

2024:PHHC:128232



377 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39298-2024
Decided on:-26.09.2024

Sukhkiran Singh @ SukhaPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Shivendra Pal Singh, Advocate for
Mr. Brijeshwar Singh Bhalla, Advocate,
for the petitioner.

Mr. Sukhdarshan Singh Chahal, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 Cr.PC, prayer has been made for grant of regular bail in case FIR No.79 dated 21.05.2023, registered under Sections 21, 23 (later on added Section 29) of the NDPS Act, 1985 and under Sections 10, 11, 12 of Air Craft Act, 1934, at Police Station Gharinda, District Amritsar, Punjab, wherein the petitioner has been implicated on the basis of disclosure statements made by co-accused, namely, Inderjit Singh and Rajinder Kumar. From co-accused- Rajinder Kumar, 365 grams of heroin, one pistol 30 bore and 02 live cartridges and from co-accused-Inderjit Singh, 322 grams of heroin and one Pakistani sim were recovered.

2. Learned counsel for the petitioner submits that besides

disclosure statements, there is no other evidence connecting the petitioner with the alleged offence as no recovery of intoxicant material was effected from him.

3. On the other hand, prayer made on behalf of the petitioner has been vehemently opposed at the instance of learned State counsel while referring to the antecedents of the petitioner, who is stated to be involved in three more cases, though not involving the provisions of NDPS Act.

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

5. In the present case, investigation already stands concluded with the filing of challan and the petitioner is in custody for the past 01 year & 03 months and even the charges are yet to be framed. Moreover, the petitioner has been implicated only on the basis of disclosure statements made by co-accused namely, Inderjit Singh and Rajinder Kumar, besides it, no recovery at all has been effected from him.

6. As regards the involvement of the petitioner in other cases, in FIR No.94 dated 29.12.2020, he already stands discharged. In FIR No.58 dated 13.03.2018, the petitioner already stands acquitted vide decision dated 29.10.2019, whereas in FIR No.77 dated 21.08.2011, he was not named. In such circumstances, this Court does not find any justification to extend the incarceration of the petitioner any further.

7. In view of the 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/Illaq Magistrate/Duty Magistrate

concerned.

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

26.09.2024

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(HARKESH MANUJA)
JUDGE

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