

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

CRM-M-46634-2023 (O&M)
Date of Decision:-16.9.2024

Santokh @ Sonu... Petitioner

Versus

State of Haryana... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Laghuinder Singh Sekhon, Advocate for the petitioner.
Mr. Neeraj Sheoran, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
419	4.9.2021	City Tohana, District Fatehabad	22-C, 27-A 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 allegations, in nutshell, are that the petitioner was found in possession of 4970 tablets of ‘Tramadol’ and 10 vials of cough syrup which had ‘Codeine’ as an ingredient.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that, in any case, the petitioner has been behind bars for a substantial period of more than 3 years and as on date the trial has not even commenced inasmuch as none out of the cited 19 PWs has been examined. Learned counsel submitted that although the petitioner happens to be involved in four other cases including two cases registered for



offence under NDPS Act, but as a matter of fact while in one of the said two cases under NDPS Act i.e. in FIR No.236 dated 27.9.2020 registered at Police Station Ratia, Fatehabad, under Sections 22-B, 61, 85 of NDPS Act he was nominated on the basis of a disclosure statement and wherein he is on anticipatory bail, the police has presented a cancellation report in the other case i.e. in FIR No.11/2018 registered at Police Station City Sunam, Sangrur.

- 4. Learned counsel representing the petitioner has today passed on a photocopy of order dated 30.8.2022 passed by learned Judge Special Court, Sangrur indicting that cancellation report had been presented in the case against Santokh Singh. Copy of aforesaid order dated 30.8.2022 is taken on record.
- 5. Opposing the petition, learned State counsel submitted that since it is a case of recovery of ‘commercial’ quantity of contraband, no leniency is warranted.
- 6. This Court has considered rival submissions addressed before this Court.
- 7. Without commenting anything as regards merits of the case, but having regard to the custody of the petitioner i.e. more than 3 years and also the fact that the trial has not even commenced till date as none out of the cited 19 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose.
- 8. 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.

16.9.2024
Pankaj

(Gurvinder Singh Gill)
Judge

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