

CRM-M-52079-2023
CRM-M-24170-2023

2024:PHHC:017953
2024:PHHC:017955

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: February 08, 2024

1. CRM-M-52079-2023

Sukchain Singh @ Sukha ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-24170-2023

Paramjit Singh @ Gaggi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Status report by way of affidavit of Shri Amarjit Singh, Deputy Superintendent of Police, Dharamkot, District Moga, along with custody certificate has been filed on behalf respondent-State in CRM-M-52079-2023, titled as “*Sukchain Singh @ Sukha v. State of Punjab*”.

2, Learned State counsel submits that said status report may also be considered in the connected petition, i.e. CRM-M-24170-2023, titled as “*Paramjit Singh @ Gaggi v. State of Punjab*”.

3. After arguing for some time, learned counsel for the petitioner has made a statement that he does not press the petition qua petitioner Sukchain Singh @ Sukha for granting bail and that at this stage, he presses for regular bail only for petitioner - Paramjit Singh @ Gaggi.

As such, CRM-M-52079-2023 is dismissed as withdrawn.

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4. In petition, bearing No.CRM-M-24170-2023, petitioner – Paramjit Singh, prays for regular bail in case FIR No.185 dated 23.12.2022, under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘the NDPS Act’), registered at Police Station Kot Isse Khan, District Moga.

5. As per prosecution allegations, on 23.12.2022, Sukchain Singh @ Sukha and petitioner Paramjit Singh @ Gaggi were riding a motorcycle, then they were apprehended by the police party. From the tool box of the motorcycle, 20 grams of heroin and 230 intoxicating tablets containing the salt of etizolam weighing 46.69 grams were recovered.

6. Learned counsel for the petitioner contends that the petitioner - Paramjit Singh @ Gaggi has been falsely implicated, inasmuch as he is not the owner of the motorcycle in question. It is co-accused Sukchain Singh @ Sukha, who is the registered owner of the vehicle. Besides the recovery was effected from the tool box, so petitioner could not be in a position to know the contents of the tool box.

7. Learned State counsel does not dispute the fact that recovery was effected from tool box of the motorcycle. Custody certificate of petitioner – Paramjit Singh @ Gaggi would reveal that he is in custody for the last 01 year, 01 month and 12 days. He is not involved in any other case pertaining to NDPS Act.

8. Learned State counsel, on instructions from ASI Jagwinder Singh informs that out of 13 witnesses cited by the prosecution, only 03 have been examined so far and thus trial is likely to take long time.

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9. Having regard to the aforesaid facts and circumstances, CRM-M-52079-2023, titled as “*Sukchain Singh @ Sukha v. State of Punjab*”, is hereby dismissed as withdrawn and CRM-M-24170-2023, titled as “*Paramjit Singh @ Gaggi v. State of Punjab*”, is allowed. Petitioner – Paramjit Singh @ Gaggi is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Photocopy of this order be placed on the connected case file.

February 08, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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