



230

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-16927-2024
Date of decision:-05.02.2025

SUKHJINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Mohit Giri, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 04.02.2025, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
35	25.02.2023	21 and 25 of NDPS Act	Sadar, Jagraon, District Ludhiana (Rural)

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the instant FIR was registered on the basis of some secret



information on the basis of which the petitioner was apprehended in this case on 25.02.2023 alongwith co-accused Gurvinder Singh while riding the motorcycle and from the kit bag alleged recovery of 262 grams of heroin has been effected which is marginally on higher side than commercial quantity. He submits that challan has already been presented in Court and the petitioner is not having any criminal antecedents and conclusion of trial will take long time as 13 witnesses have been cited by the prosecution and only 4 witnesses have been examined till date. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 262 grams of heroin was recovered from the possession of the petitioner and the co-accused Gurwinder Singh along with ₹52,500/- as such petitioner does not deserve concession of bail. However, he has not denied the fact that only 4 witnesses out of 13 witnesses have been examined in the trial Court.

6. After considering the rival contentions and perusing the record, it transpires that the petitioner is in custody since 25.02.2023 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 13 witnesses and till date only 4 witnesses have been examined in the learned trial Court. Therefore, keeping in view the assertion made by learned counsel for the petitioner (*supra*) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining petitioner any longer.



7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

05.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |