



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-48135-2024 (O&M)
Date of decision: 25.03.2025

Sukhpreet Singh

....Petitioner

VS.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No.65 dated 18.04.2024 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station STF Sector 79, District S.A.S. Nagar (Mohali).

2. As per the prosecution case, on 18.04.2024 a police party headed by ASI Paramjit Singh was on patrolling duty near Bus Stand Tappa, District Barnala. At about 03:30 PM he received a secret information that Sukhpreet Singh (petitioner herein) was involved in selling intoxicant tablets and he would be traveling on a silver Hero Splendor motorcycle bearing registration No.PB-19-G-9909 from village Gharauli towards Tappa to supply the tablets to his customers. Believing the information to be reliable, the police registered the



impugned FIR. Thereafter, the police set up a barricade on the link road from Gharauli to Tappa. While checking vehicles, they spotted Sukhpreet Singh approaching on the aforesaid motorcycle. On seeing the police, he allegedly tried to turn back but was caught. Thereafter, a black colour plastic bag hanging on the motorcycle's handle was recovered from him and after following due procedure, the police searched the bag and allegedly recovered 130 strips of tablets, each strip containing 10 tablets i.e. total 1300 tablets branded Trekem-100, which contain Tramadol.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. There is no evidence to prove the conscious possession of the petitioner over the alleged contraband. Further, as per the FSL report, the contents of the samples of the said intoxicant tablets were found to be Tramadol Hydrochloride and the quantity of the same is 257.4 gms, which marginally higher than the commercial quantity, provided under the Schedule attached with the Act i.e. 250 gms. Although the petitioner is involved in one more case registered under the NDPS Act, however, the quantity involved in the said case falls within the ambit of small quantity.

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 18.04.2024 and there are total 15 prosecution witnesses cited in the list of witnesses, out of which, 02



PWs have been examined till date and 06 PWs have been given up and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that huge quantity of contraband was recovered from the conscious possession of the petitioner, which falls within the ambit of commercial quantity and as such, the petitioner is not entitled to any relief.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last more than 01 year. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 15 prosecution witnesses, 02 PWs have been examined so far and 06 PWs have been given up.

7. Further, in cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in ***Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024***, ***Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024***, ***Ranjiti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023***, ***Jagtar Singh vs. State of Punjab in CRM-M-21460-2022***



decided on 08.02.2023, Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024, Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022, Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021)’ decided on 11.11.2022, ‘Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023’, and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.

8. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. In fact, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.



9. Finally, in view of the ratio of law laid down by Hon’ble Supreme Court in *Prabhakar Tiwari vs. State of UP and Anr. 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi vs. State of U.P. and Others 2012(2) SCC 382*, the involvement of an accused in other criminal cases cannot be the sole ground to deny the concession of bail to the petitioner.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Sukhpreet Singh is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

25.03.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No