

CRM-M-52082-2024-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(213)

CRM-M-52082-2024
Date of decision:- 13.01.2025

Sukhwinder Singh @ Hathora... Petitioner

Versus

State of Punjab... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This is the first petition filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
55	18.03.2019	Civil Lines Batala, District Gurdaspur	21/22 of the NDPS Act and Sections 379/411 IPC

2. Case of the prosecution is that during routine patrolling, they came across Sukhwinder Singh @ Hathora riding a scooty in suspicious circumstances. They followed him and saw that he threw a pink coloured plastic bag, which he was carrying. The bag contained 405 tablets and on analysis, tablets were found to contain salt Alprazolam. The total weight of the recovered contraband was found to be 62 grams.

**CRM-M-52082-2024****-2-**

3. Counsel for the petitioner submits that the petitioner has been falsely implicated and the recovery allegedly effected from him was within the ambit of non-commercial quantity. He submits that although the petitioner has a criminal past, but the petitioner cannot be kept in detention indefinitely till the veracity of the allegation is ascertained.

4. *Per contra*, State counsel, who has filed Custody Certificate dated 13.01.2025, which is taken on record and has opposed the petition. He has instructions to state that the petitioner was declared as a proclaimed offender in September, 2023 and was arrested in April, 2024. He has expressed an apprehension that in case the petitioner is released on bail, he is likely to abscond. By referring to the Custody Certificate, State counsel submits that the petitioner is involved in number of criminal cases and some of them have been registered against him for offences under the NDPS Act.

5. I have heard counsel for the parties and considered their respective submissions.

6. Undisputedly, the recovery effected from the petitioner is non-commercial and bar under Section 37 of the NDPS Act is not applicable. Petitioner has remained in confinement for the last almost ten months and charge has not been framed. This Court has been informed that out of 14 prosecution witnesses, none has been examined. This Court is, therefore, of the view that the petition deserves to be accepted, though some conditions should be imposed upon the petitioner.

**CRM-M-52082-2024****-3-**

7. Accordingly, without advertng to the merits or demerits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. While on bail, petitioner shall report to the I.O./SHO of the concerned police station in the forenoon on the first Monday of every month. He will also keep the officer apprised of his movements and file an undertaking by way of an affidavit that henceforth he will not indulge in any criminal activity. In case, the petitioner violates any of the above mentioned conditions, State would be at liberty to seek cancellation of bail.

9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

13.01.2025

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No