



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237

CRM-M-63773-2024 (O&M)

Date of decision: 19.05.2025

Sandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sukhwinder S. Dhillon, Advocate for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J (ORAL)

1. The instant 2nd petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.292 dated 20.12.2022 under Sections 22(c) of NDPS Act, 1985 registered at P.S Lambi, District Sri Muktsar Sahib.

2. Learned senior counsel for the petitioner has reiterated his submissions made on the previous date of hearing that after the charges were framed on 15.07.2023, trial had come to a virtual standstill as only three prosecution witnesses out of 16 cited have been examined, and it is on account of the repeated non-appearance of the prosecution witnesses who in the present case are police officials that trial has been considerably delayed. Learned counsel has further submitted that even otherwise the alleged recovery of 1000 intoxicant tablets of Tramadol Hydrochloride has not been effected from the conscious possession of the petitioner but effected from a transparent bag which the petitioner along with co-accused was allegedly rummaging through. It has been submitted by learned counsel that there is no possibility of the trial concluding in near future and therefore further incarceration of the petitioner would serve no useful purpose.



3. Per contra, learned State counsel, on instructions from ASI Gurmeet Singh, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that after the charges were framed on 15.07.2023, the evidence is still under way, however, on instructions he has submitted that six prosecution witnesses out of 16 have been given up. However, he has reiterated the allegations levelled in the FIR in question, which stands reproduced hereinunder: -

“SHO Sahib "Fateh" today I myself ASI was present at the police station then a written information from ASI Baljit Singh No. 462/SMS by hand HC Lakhwinder Singh No.775/SMS has been received in the police station the contents of which are as under: SHO PS Lambi "Fateh" today myself ASI alongwith HC Lakhwinder Singh 775/SMS PHG Kulwinder Singh 23802 and PHG Gurtar Singh 23139 in regard to patrolling and checking suspicion persons in the official vehicle Scorpio No. PB30G2972 village Lambi to crossing through Maan was going towards Bidowali When the police party reached at T Point Badal Road in the area of village Bidowali then on the left side of the road two youngsters were sitting and searching something from transparent plastic bag. On the basis of suspicion myself ASI got stopped the vehicle and apprehended both the youngsters alongwith transparent plastic bag and asked their name and address. They disclosed their name as Sandeep Singh @ Seepa son of Gurmail Singh resident of Channu and Babbu Singh son of Buta Singh resident of Channu. I have suspicion that they are carrying some intoxicant material in the transparent plastic bag But myself ASI due to having local rank could not competent to conduct the proceedings under NDPS Act. regular NGO may be send at the spot for further action. After written information the same is being sent by hand through HC Lakhwinder Singh 775/SMS in the official vehicle Scorpio no. PB30G2972 to the police station. Myself ASI alongwith companion employees and apprehended youngsters and transparent plastic bag present at the spot. Sd/ Baljit Singh ASI PS Lambi, dated 20.12.22 today in the area of village Bidowali at 05:30PM. after received the above information



in the police station myself Ali has entered the rapat no.35 dated 20.12.2022 in the roznarnacha the copy of rapat original information alongwith S/Ct Gunpreet Singh NO.1193/SMS arrival HC Lakhwinder Siongh No.775/SMS and private laptop and printer taken along with me in the official Scorpio no. PB 30G2972 reached to ASI Baljit Singh in the area of village Bidowali for initiate the further action. Where at the spot ASI Baljit Singh No.462/SMS along with companion employees and apprehended youngsters at the spot and transparent plastic bag produced before myself ASI then after informed myself ASI about the situation produced above both the youngsters before me along with transparent plastic bag. Then myself ASI has asked the name and address of above both the youngsters then first youngster has disclosed his name as Sandeep Singh alias Seepa son of Gurmail Singh resident of Channu and other has disclosed his name as Babbu Singh son of Buta Singh resident of Channu. Then myself ASI while introducing myself to the accused Sandeep Singh alias Seepa and Babbu Singh told that my name is Nirmal Singh and I am posted in the police department as ASI at P.S Lambi and my belt no 1105BTI. As per the information supplied to me by ASI Baljit Singh No.462/SMS. I have suspicion that you are carrying intoxicant material in the transparent plastic bag due to which you and your transparent plastic bag has to be searched but under NDPS Act you have legal right that you can search you and your transparent plastic bag from any Magistrate or gazetted officer or bring you before them or can call them at the spot. On which accused Sandeep Singh alias Seepa and Babbu above said that we do not want to search us and our transparent plastic bag from any Magistrate or gazetted officer you can search us and our transparent plastic bag in the presence of your employees. we have full faith upon you. On which notice under Section 50 Act has been served upon the accused Sandeep Singh alias Seepa and Babbu Singh above. on which Sandeep Singh alias Seepa has appended his signatures and Babbu Singh has appended his left thumb impression and ASI Baljit Singh No.462/SMS and HC Lakhwinder Singh No.775/SMS has appended their signatures as witnesses. Then myself ASI before conducting the search tried to join public witness in the police party but no one met. Then myself ASI in the



presence of witnesses checked the transparent plastic bag in possession of accused Sandeep Singh alias Seepa and Babbu Singh then from which intoxicant tablets recovered. After counted the same total 100 strips each containing 10/10 intoxicant tablets each strip mark Tramadol Hydrochloride Sustained Release Tablets IP 100 mg Cypremal-100SR and on which same Batch No. AIT 2002 St MD 022022 ED 012025 written total 1000 intoxicant tablets recovered intoxicant. After put the recovered tablets into the same plastic bag and after put the same into cloth bag parcel was prepared and parcel of intoxicant tablets has been stamped by myself ASI with my stamp NS. Sample of stamp was prepared on Form M29. after used the stamp the same has been handed over to ASI Baljit Singh No.462/SMS. Then myself ASI has taken the recovered parcel of intoxicant tablets duly stamped with stamp NS and form M29 sample of stamp into police possession through memo of recovery of intoxicant tablets ASI Baljit Singh no.462/SMS and HC Lakhwinder Singh No.775/SMS have appended their signatures as witnesses. Then myself ASI in the presence of witnesses has conducted the personal search of accused Sandeep Singh Seepa and Babbu Singh by following due process then from the right pocket of black colour lower of Sandeep Singh Seepa currency note of Rs 200 recovered. which has been taken into police possession through memo of personal search. Accused Sandeep Singh alias Seepa has been appended his signatures on the memo and ASI Baljit Singh No.462/SMS and HC Lakhwinder Singh No.775/SMS has appended their signatures as witnesses. Memo of personal search has been prepared. Then myself ASI has conducted the personal search of accused Babbu Singh by following due process then from him no any costly article or cash etc not recovered. On which memo of personal search was prepared Accused Babbu Singh above has appended his left thumb impression. thereon and ASI Baljit Singh No.462/SMS and HC Lakhwinder Singh No.775/SMS have appended their signatures thereon Accused Sandeep Singh alias Seepa and Babbu Singh above could not produce any bill or licence with regard to keeping 1000 intoxicant tablets in their possession. Accused Sandeep Singh alias Seepa and Babbu Singh have committed an offence under Section 220/61/85 NDPS Act by keeping 1000 intoxicant tablets in



their possession. On which after typed ruqa against accused Sandeep Singh alias Seepa and Babbu Singh above the same is being sent to the police station for registration of case by hand through PHG Kulwinder Singh 23802. After register the case case number be inform Special report be issue. Incharge PCR/SMS be inform.”

On further instructions, it is not disputed that material witnesses remain to be examined and witnesses who have been examined till date are mostly formal in nature. Learned State counsel, on instructions has submitted that the petitioner is also involved in two other criminal cases out of which one is registered under the provisions of NDPS Act wherein recovery of 1 gram of heroin was made from him. Learned State counsel on still further instructions has not disputed that even as per the contents of zimni orders, which have been placed on record by the learned counsel for the petitioner, it is on account of reasons not attributable to the defence, but to the prosecution, that the trial has not yet concluded.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The petitioner has been in custody since 20.12.2022; Charges were framed on 15.07.2023. Material witnesses remain still to be examined with only formal witnesses having been examined till date. Considering that the possibility of the trial concluding in the near future does not arise, in the facts and circumstances as enumerated hereinabove, this Court, therefore, deems it fit to extend the concession of regular bail to the petitioner.

6. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
8. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 19, 2025
manoj

(MANJARI NEHRU KAUL)
JUDGE

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