



238

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

CRM-M-58343-2024

Date of Decision: 25.02.2025

Sukhmanpreet Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Tushar Sharma, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the third petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.76 dated 01.08.2023 registered under Sections 22, 61, 85 of NDPS Act, at Police Station Division No.5, District Jalandhar.

2. As per case of the prosecution, the petitioner was apprehended by the police and 255 grams of intoxicant power was recovered from the possession of him, which is marginally above the commercial quantity.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and non-compliance of mandatory provisions under NDPS Act has been made by the Investigating Officer. He further contends that the petitioner is not involved in any other criminal activity. The petitioner was arrested on 01.08.2023 and is in custody for the last 01 year and 03 months. The final report under Section 173 Cr.P.C. has already been presented against him. Trial is likely to take long time. No useful purpose will



be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

(N.S.SHEKHAWAT)
JUDGE

25.02.2025
hemlata

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