

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

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2023:PHHC:119876

CRM-M-24195-2023

Date of decision: September 12th, 2023

Sukhwinder Singh

.....Petitioner

Versus

Narcotics Control Bureau, Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate
for the respondent.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in supplementary complaint dated 18.07.2020 in NCB Crime No.14/2015 dated 05.05.2015 registered under Sections 8, 18, 29, 27A and 30 of the NDPS Act, 1985 at Police Station NCB Chandigarh Zonal Unit, UT Chandigarh.

Learned senior counsel for the petitioner, *inter alia*, contends that the petitioner was nominated as an accused along with six others on the basis of a disclosure statement allegedly suffered by co-accused Sukhbir Singh and Lakhbir Singh, from whom a recovery of 36.150 kgs of opium along with ₹19,40,000/- drug money was allegedly effected. Learned senior counsel has further submitted that the evidentiary value of such disclosure statement is of a weak nature and all this has to be appreciated in the light of no recovery of any contraband having been effected from the petitioner pursuant to his

arrest on 09.07.2020. Learned senior counsel has further submitted that it is also a matter of record that co-accused Lakhbir Singh @ Lakh and Harbans Singh @ Bansa, who had faced trial in the crime in question, have since been acquitted vide judgment dated 16.08.2018 passed by learned Additional Sessions Judge, Sirsa. It has also been submitted that co-accused Gurmeet Singh has since been extended the concession of bail vide order dated 19.08.2019. Learned senior counsel, therefore, has prayed that in the facts and circumstances, keeping in view the long incarceration of the petitioner, he too be extended the concession of bail as his further incarceration will serve no useful purpose.

Per contra, learned counsel appearing for NCB has vehemently opposed the prayer and submissions made by the counsel opposite. Learned counsel has submitted that a huge recovery of 36.150 kgs of opium along with ₹19,40,000/- drug money was effected from co-accused Sukhbir Singh @ Sukha and Lakhbir Singh @ Lakha, who had then suffered a disclosure statement, wherein they categorically stated that the petitioner was an active member of the drug syndicate and had sold the recovered contraband to them. Learned counsel has further submitted that from the material collected during investigation including some call transcripts and also monetary transactions between the petitioner and co-accused Sukhbir Singh, who had since been convicted by the trial Court, it was further evident that the petitioner was an active member of a drug syndicate. While drawing the attention of this Court to Annexure P-8, learned counsel for NCB has further submitted that it is also a matter of record that co-accused Paramjit Singh had approached the Hon'ble Supreme Court seeking the concession of regular bail, which had been dismissed. It has been still

further submitted that the petitioner had absconded after the registration of the case in question and was then declared a proclaimed offender on 31.08.2018. It was only on 04.07.2020 that he could be arrested. He has thus, prayed for dismissal of the instant petition keeping in view that the petitioner had been declared a proclaimed offender and there was thus, every likelihood that he could yet again abscond and be involved in some other case of similar nature.

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

No doubt, the petitioner was nominated as an accused in pursuance of a disclosure statement allegedly made by co-accused, however, this Court cannot be expected to turn a blind eye to the huge recovery of 36.150 kgs of opium along with ₹19,40,000/- drug money effected from the co-accused, coupled with the fact that the petitioner was declared a proclaimed offender after the registration of the instant case. *Prima facie*, the petitioner thus, comes across as an active member of a drug syndicate. This Court, in the facts and circumstances as enumerated hereinabove, does not deem it fit to extend the concession of regular bail to the petitioner.

The instant petition, therefore, stands dismissed.

At this stage, a request has been made by the learned senior counsel for the petitioner for directing the trial Court to expedite the trial in view of the long incarceration of the petitioner.

The trial Court shall make earnest efforts to expedite the trial and conclude it preferably within a period of six months.

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.

September 12th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No