

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

CRM-M No.59225 of 2023

Date of decision: 24th November, 2023

Sukhjinder Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Meenu, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.151 dated 21.08.2023 under Sections 22/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Baghapurana, District Moga.

2. Learned counsel inter alia contends that the petitioner came to be nominated as an accused on the basis of disclosure statement allegedly suffered by co-accused Buta Singh, who on seeing the police party threw away a bag containing the contraband (80 loose intoxicant tablets). She submits that the evidentiary value of such disclosure statement is of a very weak nature and it needs to be appreciated in the light of the petitioner's clean antecedents.

3. Notice of motion.

4. Ms. Kanica Sachdeva, Asst. Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent/State. She, on instructions from HC Harjit Singh, has vehemently opposed the prayer

and submissions made by the counsel opposite. It has been submitted that in fact the petitioner has not approached the Court with clean hands, as it is a matter of record that the petitioner is involved in seven other criminal cases including four under the NDPS Act. Learned State counsel has further submitted that the petitioner was in fact a supplier of the contraband which in turn was given to co-accused Buta Singh, when he was nabbed with the contraband. She, thus, submits that the petitioner would be very much required for his custodial interrogation.

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

6. The petitioner is a man of criminal antecedents, as he is involved in numerous criminal cases, including under the NDPS Act. In the facts and circumstances as enumerated hereinabove, this Court concurs with the submissions made by the learned State counsel that the custodial interrogation of the petitioner is necessitated. The petition, as such, is dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

November 24, 2023

rps

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