

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

237

2023:PHHC:154253

CRM-M-59867-2023

Date of decision: December 4th, 2023

Sukhchain Singh alias China alias Sahij

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vineet, Advocate
for Mr. Nitish Garg, Advocate
for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.61 dated 13.08.2023 under Section 21 of the NDPS Act (Section 29 of the NDPS Act added later on) registered at Police Station City Raikot, District Ludhiana.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the case in hand on the basis of a disclosure statement allegedly suffered by co-accused Arshdeep Singh from whom recovery of 60 grams of heroin (non-commercial quantity) was allegedly effected. Learned counsel submits that the disclosure statement on the basis of which the petitioner has been nominated as an accused does not have very high evidentiary value. He has also submitted that after the challan was presented, charges had been framed on 13.10.2023. However, the prosecution

evidence had not yet commenced. Hence, the trial is unlikely to conclude in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert that no recovery of any contraband was effected from the petitioner when he was arrested on 18.08.2023, coupled with the fact that he had been nominated in the disclosure statement allegedly suffered by co-accused from whom the alleged recovery was effected. Learned State counsel has further submitted that the petitioner is involved in another case under the NDPS Act, however, in the said case also, the recovery effected was of small quantity. Learned State counsel has, on further instructions from ASI Harpreet Singh, informed the Court that the next date fixed before the trial Court is 20.12.2023 when the prosecution evidence is likely to commence.

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

5. Petitioner has been in custody since 18.08.2023. Investigation in the case in hand is complete and even charges stand framed. The trial would take considerable time to conclude as none of the nine prosecution witnesses stand examined till date.

6. In the facts and circumstances as enumerated hereinabove, coupled with the fact that the recovery allegedly effected from the co-accused on whose disclosure statement the petitioner was nominated as an accused, has been classified as small quantity, this Court deems it fit to extend the concession of bail to the petitioner. The instant petition is, therefore, allowed. The petitioner be admitted to bail 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 4th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No