

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M-61936-2023
Date of Decision.:14.12.2023

Sukhdev Singh @ Bunty
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harmanpreet S. Mander, Advocate for
Mr. Harpreet S. Multani, Advocate for
the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.117 dated 02.08.2023 registered under Sections 18, 25, 29 of NDPS Act registered at Police Station Barnala, District Barnala.

2. As per prosecution allegations, on 02.08.2022, 12 kgs opium was recovered from a truck occupied by co-accused Kulwant Singh and Ranjodh Singh. On the basis of disclosure statement of Ranjodh Singh, 8 kgs more opium was recovered. In his disclosure statement, this co-accused named petitioner- Sukhdev Singh @ Bunty, from whose possession 100 gms opium and drug money of ₹36,000/- were recovered.

3. It is contended by learned counsel that petitioner has been falsely implicated on the basis of disclosure statement, which is not admissible. Learned counsel further contends that 100 gms of opium, the recovery of which has been shown from the petitioner falls in non-commercial category. Learned counsel further contends that though

petitioner was also involved in one more case of NDPS Act in 2012 but he has since been acquitted in that case. Learned counsel further contends that co-accused Sukhdeep Singh has already been allowed bail by this Court vide order dated 15.11.2023 passed in CRM-M-56225-2023. Learned counsel also contends that petitioner is in custody for the last more than 04 months and so, he be allowed bail.

4. Notice of motion.
5. Mr. Randeep Singh Khaira, DAG, Punjab accepts notice on behalf of respondent- State.
6. Learned State counsel could not refute the aforesaid contention. It is conceded that 100 gms opium as recovered from the petitioner falls in non-commercial category and that petitioner has already been acquitted in another case which was registered wayback in 2012. Petitioner is stated to be in custody since 03.08.2023 i.e. for the last more than 04 months. Co-accused Sukhdeep Singh has already been allowed bail vide order dated 15.11.2023 (Annexure P-2).
7. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

December 14, 2023

Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

(DEEPAK GUPTA)
JUDGE