

CRM-M-17279-2024

Sukhwinder Singh

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Chandan Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG Punjab.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of regular bail in FIR No.260 dated 26.11.2023 registered for offences punishable under Sections 21/21-C/23/25/29/27-A/61/85 of the NDPS Act, 1985 at Police Station Chheharta, District Amritsar.
2. As per the case of the prosecution, secret information was received with respect to Mahinder Pal @ Prince and Saurav Sharma indulging in dealing with narcotics on the asking of Jasmeet Singh @ Lucky who is residing abroad.
3. As per the prosecution, Mahinder Pal @ Prince and Saurav Sharma were arrested leading to recovery of 6 Kgs of heroin i.e. 3 Kgs each along with I-20 car. Mahinder Pal @ Prince and Saurav Sharma

further nominated one Deepak Pratap @ Deep who was found to be in conscious possession of 110 gms of heroin along with Rs.3,10,000/- and 12 SIM cards. Said Deepak Pratap @ Deep further nominated one Manpreet Chaudhary @ Bhim, Charanjit Singh @ Channa and Ankush Shukla @ Anshu as the suppliers of heroin. It is further claimed that Manpreet Chaudhary @ Bhim suffered a disclosure statement that while in police custody claiming that he was supplying heroin to one youngman named Cheema resident of Jodhewal Basti, Ludhina who is stated to be the present petitioner. Petitioner was arrested on 08.02.2024. As per the case of the prosecution, an amount of Rs.70,000/- along with 3 mobile phones were recovered from him. Rs.70,000/- amount is being claimed as drug money.

5. Learned Senior Counsel for the petitioner submits that it a case where no contraband has been recovered from the petitioner. Out of 3 mobile phones recovered, one is of the petitioner, second is of his wife and third one is without SIM card. Petitioner has undergone custody of 2 months and 3 days.

6. Counsel for the petitioner further submits that co-accused Charanjit Singh @ Channa has already been granted regular bail vide order dated 09.04.2024 passed in **CRM-M-16271-2024**.

7. Petitioner being nominated merely on the basis of disclosure made by co-accused would be entitled to bail as disclosure while in police custody has been held to be a weak piece of evidence by the Apex Court in **Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1** and the same cannot suffice to drive home the guilt of the petitioner.

8. State counsel does not dispute the fact that there is no recovery of contraband from the petitioner. He further submits that as per the disclosure, drug was to be supplied to the petitioner.

9 Keeping in view the fact that the petitioner has no criminal antecedents and in view of the period of incarceration already suffered by the petitioner and the nature of evidence available against him, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

(i) The petitioner shall not mis-use the liberty granted.

(ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.

(iii) The petitioner shall not absent himself on any date before the trial.

(iv) The petitioner shall not commit any offence while on bail.

(v) The petitioner shall deposit his passport, if any with the trial Court.

(vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.

(vii) The petitioner shall not in any manner try to delay the trial.

11. In case of breach of any of the aforesaid conditions and those which made be imposed by the trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

12. Needless to say that anything observed hereinabove shall not

be construed to be an expression of opinion on the merits of the case.

16-04-2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned :Yes
Whether Reportable : No