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

CRM-M-26408-2024

Date of decision : 13.11.2024

Sukhwinder Singh**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Karunesh Kaushal, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner for grant of regular bail in case FIR No.52 dated 15.06.2023, under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 in which offence under Section 29 of NDPS Act was added later on, registered at Police Station Nurmahal, District Jalandhar (Rural).

2. As per the facts of the case, on 15.06.2023 the police party while on patrolling spotted three clean shaved young boys coming on a motorcycle and they were stopped. On asking they disclosed their names as Sukhpreet Singh @ Sukha, Sarwinder Singh @ Gullu and Kirandeep Singh @ Karan. It was suspected that in the bags carried by them they were carrying some contraband and thus they were given an offer to search the bags and then the bags were searched from which in all 2000 intoxicant capsules were recovered. They failed to produce any licence for keeping the contraband and thus, they were arrested on spot. During



investigation, they disclosed about the involvement of Sukhwinder Singh i.e. the present petitioner and hence, he was arrayed as an accused in the present case and he was arrested on 16.06.2023. Thereafter, the petitioner approached the Learned Judge, Special Court, Jalandhar for grant of bail, however, after hearing both the sides, the same was declined by the Learned Judge, Special Court, Jalandhar vide order dated 10.04.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that petitioner has been falsely implicated in the present case. He submits that the petitioner is not named in the FIR nor any recovery is made from him. He submits that the petitioner has been arrayed as an accused on the basis of the disclosure statement made by the co-accused, which is not an admissible evidence. It is submitted that the petitioner is behind bars from the date of his arrest despite having been filed the challan, the prosecution has not been able to conclude the trial. He submits that in the facts and circumstances, the petitioner should be allowed bail when there is no evidence against the petitioner. He submits that in the overall facts and circumstances of the present case, petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submitted that the complicity of the petitioner was established during the investigation of the case. He submits that the co-accused have made categorical statement about the petitioner and hence, he was arrested on 16.06.2023. He, on instructions, has submitted that the petitioner is involved in two other cases as well i.e. FIR No.49 dated 12.06.2023 under Sections 379-B(2),



341, 34, 511 and 411 IPC registered at Police Station Nurmahal and FIR No.128 dated 16.08.2012 under Sections 399 & 402 IPC registered at Police Station Division No.6 Industrial Area, however, not under the NDPS Act. He submits that out of total 11 prosecution witnesses only 02 witnesses have been examined as on date.

5. Heard. On hearing counsel for the parties and perusing the record, it is apparent that the name of the petitioner is surfaced in the present FIR on the basis of the disclosure statement made by the co-accused. Though the petitioner is involved in other two cases, however as per custody certificate in FIR No.128 dated 16.08.2012, he has been acquitted. Even otherwise, both the FIRs against the petitioner, are not under the NDPS Act.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

13.11.2024

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(RAJESH BHARDWAJ)
JUDGE

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