



CRM-M-31143-2024

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

CRM-M-31143-2024

Date of decision : 08.07.2024

**Sikander Singh @ Sikander****.....Petitioner****versus****State of Punjab****.... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ****\*\*\***Present :- Mr. L.S.Sidhu, Advocate  
for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

**\*\*\*****RAJESH BHARDWAJ, J. (Oral)**

1. Petitioner has approached this Court by way of present petition praying for grant of regular bail to him in case FIR No.72 dated 28.04.2024, under Sections 21-B, 29, 27-A, 61 and 85 of the NDPS Act, 1985, registered at Police Station Chheharta, District Amritsar.

2. As per facts of the case, the police party in connection with special nakabandi was present at the turn of Kale Village. A young man on seeing the police party tried to escape from the police officials by throwing one polythene of black colour lying in his right pocket and tried to ran. The police party apprehended him and enquired his name, then he disclosed his name as Dilraj Singh @ Raja son of Gurvail Singh resident of Lalli Di Haveli Bhangali Wala Khu Ghanupura Chheharta. However, on checking and searching him, the police party recovered 07 grams heroin along with Rs.1700/- of Indian currency (drug money) in a polythene containing one white colored small envelop from said Dilraj Singh @ Raja. Thus, the FIR was registered and the accused was arrested on the spot. The investigation commenced and during investigation, he made a disclosure statement about



the present petitioner i.e. Sikander Singh @ Sikander from whom he purchased the said contraband. Thus, the petitioner was also arrayed as an additional accused in the present case on the basis of the disclosure statement made by co-accused i.e. *Dilraj Singh @ Raja*. The petitioner was arrested on 28.04.2024.

3. Petitioner approached the Court of learned Special Court, Amritsar, Punjab praying for grant of regular bail. However, after hearing both the sides, learned Judge (Special Court), Amritsar, declined the same vide his order dated 23.05.2024. Hence, being aggrieved, petitioner is before this Court praying for grant of regular bail.

4. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the present petitioner is neither named in the FIR nor any recovery has been effected from him. It is also submitted that even otherwise the alleged contraband recovered from the co-accused is 07 grams heroin along with Rs.1700/- Indian currency notes, which is alleged to be drug money. He further submits that the alleged contraband recovered is marginally above the small quantity and falls under the category of non-commercial quantity. It is also submitted that the provisions of Section 57 of the NDPS Act were also not attracted in the present case. He has submitted that the only evidence against the petitioner is disclosure statement of the co-accused which is not an admissible evidence. Though the petitioner is prosecuted in other cases as well, however, he is on bail in all those cases. Thus, in the overall facts and circumstances of the case, petitioner deserves to be granted regular bail.

5. *Per contra*, learned State counsel has submitted that as per disclosure statement made by the co-accused, the petitioner was found to be



the supplier of the alleged contraband recovered from the co-accused. He further submits that the present petitioner is involved in other cases. He has placed on record the custody certificate of petitioner in Court today. The same is taken on record. He also submits that investigation in this case is still going on and challan is yet to be presented.

6. Heard.

7. After hearing counsel for the parties and perusing the record, it is apparent that that the present petitioner is neither named in the FIR nor any recovery has been effected from him and even otherwise the alleged contraband recovered from the co-accused is only 07 grams heroin along with Rs.1700/- Indian currency notes which is alleged to be drug money. The recovery of 07 grams heroin from the co-accused is marginally above the small quantity. Moreover, the petitioner was arrayed in the present case on the basis of disclosure statement made by the co-accused. As per the custody certificate, the petition is on bail in other four cases in which he had been prosecuted.

8. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and after perusal of the record, 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 trial Court/Duty Magistrate.



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9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

08.07.2024  
Anjal

( RAJESH BHARDWAJ )  
JUDGE

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