



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

224**CRM-M-38343-2024****Date of decision: 14.08.2024**

Sukhmanjit Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajiv Kumar Saini, Advocate, for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of Bharatiya Nagrik Suraksha Sahita, 2023, in case FIR No.156 dated 02.09.2023 under Sections 21-C, 25, 27-A, 29 of NDPS Act and 25 of Arms Act registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner submits that the petitioner was neither named in the FIR nor was any secret information received qua his involvement in drug trafficking; he came to be nominated as an accused on the disclosure statement of co-accused Lovepreet Singh. Learned counsel has submitted that the disclosure statement on the basis of which the petitioner has been nominated as an accused has very weak evidentiary value and it needs to be appreciated in the wake of the petitioner not being involved in any other criminal case much less under the NDPS Act. It has still further been submitted that after the petitioner was arrested on



08.09.2023, no recovery of any contraband was affected from him. It has also been submitted that since the investigation in the present case is complete as challan stands presented, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude, moreso when 23 witnesses have been cited by the prosecution.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Manjinder Singh, has not disputed the stage of trial; it has also not been disputed that the petitioner's name surfaced in the disclosure statement allegedly suffered by co-accused Lovepreet Singh. Still further, learned State counsel, on instructions, has not controverted the submissions made by the counsel opposite that no recovery of any contraband was affected from the petitioner when he was arrested on 08.09.2023. However, learned State counsel has submitted that recovery of ₹ 5 Lacs (drug money) was affected from the petitioner which hinted towards his complicity in the crime in question. On a pointed query, learned State counsel has submitted that the next date fixed before the trial Court is 06.09.2024 when the charges are likely to be framed.

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

5. Secret information was received qua the involvement of co-accused Lovepreet Singh, Nirmal Singh, Sukhwinder Singh in drug trafficking. It is only in the disclosure statement made by one of the co-



accused that the petitioner came to be nominated as an accused. The petitioner is not stated to be involved in any other criminal case nor has any recovery of any contraband been affected from him in the present case.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 14, 2024
poonam

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