



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

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CRM-M-41886-2024

Date of decision: 03.09.2024

SUSHANK WADHWAN

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arnav Ghai, 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 439 of the Cr.P.C. (Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023) in case FIR No.156 dated 02.09.2023 under Sections 21-C, 25, 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner contends that the petitioner was not apprehended along with the co-accused qua whom secret information was received by the police; The petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Sukhwinder Singh, who was named in the secret information and from whom recovery of 1.2 kgs of heroin was affected. It has been argued by the learned counsel that the evidentiary value of the



disclosure statement on the basis of which he has been arraigned as an accused in the present case is of a weak nature coupled with the fact that the petitioner is not involved in any other case under the NDPS Act which makes it abundantly clear that he has been falsely implicated in the present case. It has still further been argued by the learned counsel that although no recovery of any narcotic substance much less heroin was affected from him after he was arrested on 03.09.2023, however recovery of Rs. 17 lacs was shown to have been affected from him along with a cash counting machine. However, since the petitioner was working with a money exchange shop, it was but natural for him to have been found in possession of these articles. It has been lastly submitted by the learned counsel that since investigation in the present case is complete, the petitioner's further incarceration would serve no useful purpose since 23 prosecution witnesses have been cited and even the charges have not been framed till date.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from Inspector Sukhbeer Singh, has not disputed that no secret information was received qua the involvement of the petitioner in drug trafficking nor has it been disputed that the name of the petitioner surfaced in a disclosure statement allegedly suffered by co-accused Sukhwinder Singh from whom the alleged recovery of heroin was affected, however, learned State counsel has submitted that recovery of Rs.17 lacs was drug money which linked the petitioner with drug trafficking.



On a pointed query put to the learned State counsel as to whether the petitioner was involved in any other case under the NDPS Act, he, on instructions, has replied in the negative. Furthermore, learned State counsel has not disputed the stage of trial and 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 have perused the relevant material placed on record.

5. As not disputed by the learned State counsel, secret information was received by the police regarding the involvement of co-accused Lovepreet Singh, Sukhwinder Singh and Nirmal Singh in drug trafficking. It is only on the basis of a disclosure statement allegedly suffered by one of the co-accused, the petitioner came to be nominated as an accused in the present case. The petitioner is not stated to be involved in any other case under the NDPS Act nor has any recovery of narcotic substance been affected from him after he was arrested on 03.09.2023.

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

7. At this stage, a prayer has been made by the learned State counsel that since the petitioner is a native of Madhya Pradesh, the Trial Court/Duty Magistrate concerned is directed that the petitioner may be put to strict and stringent conditions while granting him bail.

8. 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.

9. 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.

September 03, 2024

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(MANJARI NEHRU KAUL)

JUDGE

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