



212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46282-2024
Date of decision : 27.09.2024

Sukhwinder Singh and othersPetitioners

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate for the petitioners.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner under Section 483 Bhartiya Nagrik Suraksha Sanhita 2023, praying for grant of regular bail in case FIR No.203 dated 22.07.2024, under Sections 27 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Civil Lines Batala, District Batala.
2. Succinctly the facts of the case are that the Police party while on patrolling spotted two youngsters coming on foot. On seeing the police, they got perplexed and tried to turn back, however, on suspicion they were stopped by the police. On asking, they disclosed their name as Sukhwinder Singh and Surjit Singh. Their search was conducted and a silver roll paper smeared with heroin was recovered from them. They failed to produce any licence for possession of the same and thus, the FIR was registered and they were arrested on spot. During investigation, they made disclosure regarding complicity of petitioner No.2-Balwinder Kaur. Hence, she was arrayed as an accused in the present case on the disclosure statement made by Sukhwinder Singh-petitioner No.1. Sukhwinder Singh, further made a disclosure about the contraband hidden by him and thus,

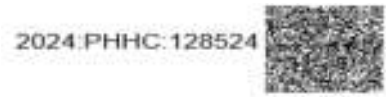


recovery of 8 grams of heroin was effected. All the three accused were arrested and the investigation commenced. The petitioners were arrested on 22.07.2024. Thereafter, petitioners approached the Learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur for grant of bail, however, after hearing both the sides and finding no merits, the same was declined by the Ld. Additional Sessions Judge, Fast Track Special Court, Gurdaspur vide order dated 03.09.2024. Aggrieved by the same, petitioners are before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioners that the petitioners have been falsely implicated in the present case. He submits that the petitioners, namely, Sukhwinder Singh and Surjit Singh were allegedly arrested by the police and on the disclosure made by Sukhwinder Singh, petitioner No.2-Balwinder Kaur was arrested. It is submitted that the disclosure statement of the co-accused in itself is no evidence. Further the alleged recovery made from the petitioners Sukhwinder Singh and Surjit Singh, is a silver roll paper and 8 grams heroin, for which no independent witness was joined. It is further submitted that there is a violation of Section 50 of the NDPS Act as well. He submits that the investigation is already complete and in the facts and circumstances of the present case, petitioners deserve to be granted regular bail.

4. Status report by way of affidavit of Mr. Sanjeev Kumar, PPS, Deputy Superintendent of Police, Sub Division City Batala, Police District Batala has been filed on behalf of respondent-State along with custody certificate of the petitioner in the Court today, same is taken on record.

5. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners and has submitted that



petitioners No.1 and 3 were arrested on the spot whereas petitioner No.2 was arrested on the basis of disclosure of petitioner No.1-Sukhwinder Singh. He submits that petitioner No.2 is involved in 03 other cases as well and petitioner No.1 is involved in 01 more case. However, he submits that investigation in the present case is complete and challan has been presented.

6. Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioners are behind bars since 22.07.2024. Petitioners No.1 and 3 were arrested on spot whereas petitioner No.2 is named in the FIR on the basis of the disclosure statement made by the co-accused. The alleged contraband recovered from the petitioners is 08 grams heroin marginally above the small quantity. However, investigation is complete and challan has been presented in the present case.

7. 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 petitioners succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their 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.

(RAJESH BHARDWAJ)
JUDGE

27.09.2024
ps-I

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