

2024 : PHHC : 048694

216/2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.61882 of 2023 (O&M)

Date of decision: 9th April, 2024

Sukhmanjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gobind S. Randhawa, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0156 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, 1959 registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand; a secret information had been allegedly received by the police against the co-accused and it is also a matter of record that when the co-accused were intercepted by the police, recovery of 1 kg and 700 grams of Heroin was affected only from them. Learned counsel has further submitted

that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Lovejit Singh and Sukhwinder Singh, from whom the alleged recoveries were affected. Learned counsel has asserted that the evidentiary value of the disclosure statement is of extremely weak nature and all this needs to be appreciated from the fact that even after the petitioner was arrested, no recovery of any contraband/narcotic substance was affected from him. Besides this, the petitioner has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act. Learned counsel has submitted that after the petitioner was arrested on 02.09.2023, challan stands presented, however, charges have not yet been framed, thus, there is no likelihood of the trial concluding in the near future as none of the 23 prosecution witnesses have been examined so far.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Gurinder Singh, has submitted that no doubt the petitioner was not apprehended with the co-accused from whom huge recovery of 1 kg and 700 grams of Heroin was affected along with drug money of more than ₹1 crore 14 lacs, 2 Aactiva Scooters used to transport the contraband and also fire arms etc; however, after the co-accused were arrested and interrogated they suffered disclosure statements and detailed the role played by all the other seven co-accused in drug

trafficking. Learned State counsel has submitted that the trail to the recovered contraband extends to Pakistan and Afghanistan, and the petitioner was also a beneficiary of the proceeds of crime. It has been further submitted that enough convincing and cogent evidence linking the petitioner with the co-accused had been collected by the Investigating Agency including telephonic calls. Learned State counsel has thus, vehemently prayed for dismissal of the instant petition more so, since the trial is proceeding at a reasonably good pace after the petitioner was arrested about 6 months back on 02.09.2023.

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

5. In the facts and circumstances as enumerated hereinabove, coupled with the role attributed to the petitioner in the crime in question, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

April 9, 2024
rps

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