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

CRM-M-2907-2025 (O&M)

Reserved on : 24.04.2025

Pronounced on : 28.04.2025

Sukhdev Singh @ Sukh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. G. S. Bawa, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 98 dated 24.06.2024, registered under Sections 21-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Special Task Force, District STF Wing SAS Nagar.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 24.06.2024, on the basis of a secret information, co-accused Rohit Salhotra was apprehended by a police party headed by SI Kashmir Singh and recovery of 400 grams of heroin was recovered from him. He was formally arrested at the spot. Upon interrogation, he disclosed that he had purchased the recovered contraband from the present petitioner. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 24.06.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the

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petitioner along with the co-accused is facing trial for commission of aforementioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 02.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by co-accused Rohit Salhotra, which is not admissible in evidence. To fortify this argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1***. The co-accused was a drug addict and the petitioner had previously seen him while consuming heroin. He had warned him to report the matter to the police. Due to the said reason, the co-accused has falsely implicated him in this case. The petitioner is not involved in any other case and has clean antecedents. It is further argued that investigation has since been completed and challan has been filed. The petitioner is in custody since 24.06.2024. The trial is likely to take a long time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused but during the

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course of investigation, the complicity of the petitioner in the subject crime has been duly established. The petitioner had exchanged 21 calls with the co-accused, which shows that he was involved in the subject crime. Trial is going on at proper pace. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Rohit Salhotra, who was arrested at the spot on 24.06.2024 and from whose custody, recovery of 400 grams of heroin was effected. The allegation against the petitioner is that he had supplied the recovered contraband to the co-accused. However, no subsequent recovery is shown to have been effected from the petitioner. A perusal of the status report reveals that he is not involved in any other case and has clean criminal antecedents. Mere call details, without the transcript of the conversations exchanged between the co-accused and the petitioner, would not be considered to be corroborative material in absence of substantive material found against the petitioner. Investigation has since been concluded and *challan* has been presented. The trial is likely to take time. The petitioner is in custody since 24.06.2024. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate

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concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.04.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No