



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

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CRM-M-7553-2025

Date of decision: February 14th, 2025

Amrik Singh @ Mika

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.50 dated 24.03.2024 under Sections 21/29 of the NDPS Act registered at Police Station STF Phase-4, Mohali.

2. Learned counsel for the petitioner contends that the petitioner, who has never been involved in any other case under the NDPS Act, has been falsely implicated in the present case on the basis of a disclosure statement allegedly suffered by co-accused Balwinder from whom a recovery of 800 grams of heroin was allegedly made. Learned counsel has contended that after co-accused was apprehended following a secret information, he, in his disclosure statement claimed that the recovered contraband had been procured through the petitioner and co-accused Sukhdev Singh. Learned counsel submits that the falsity of the allegations levelled is evident from the fact that after the petitioner was arrested on 04.11.2024, no recovery of any contraband much less heroin was made from him. It has also been asserted by the

learned counsel that although co-accused Balwinder was intercepted following a secret information, however, no such secret information had been received with respect to the involvement of the petitioner in drug trafficking. It has also been brought to the notice of this Court that identically placed co-accused Sukhdev Singh has already been granted the concession of anticipatory bail by this Court vide order dated 25.09.2024 annexed as Annexure P-3.

3. Learned counsel appearing for the State while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has it been disputed that the case of the petitioner is at par with co-accused Sukhdev Singh, who has since been granted the concession of anticipatory bail.

4. On a pointed query put to the learned State counsel, he, on instructions from ASI Balkar Singh, has also not disputed that no secret information had been received qua the involvement of the petitioner in drug trafficking nor any recovery of contraband much less heroin was effected from the petitioner. However, it has been asserted by the learned State counsel that pursuant to a secret information, co-accused Balwinder was arrested and a huge recovery of 800 grams of heroin then effected from a car in which co-accused Balwinder was driving; during investigation, co-accused Balwinder suffered a disclosure statement categorically claiming that the recovered contraband had been purchased from the petitioner and co-accused Sukhdev Singh. On a further query, learned State counsel, on instructions, has also not disputed that the petitioner is not facing trial in any case under the NDPS Act.

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

6. The petitioner has been in custody since 04.11.2024. The petitioner is not stated to be booked in any other case under the NDPS Act. As conceded by the learned State counsel, on instructions, no recovery of any contraband much less heroin was made from the petitioner, coupled with the fact that the case of the petitioner is at par with co-accused Sukhdev Singh, who has already been extended the concession of anticipatory bail. The trial is unlikely to conclude in the near future as none of the 23 witnesses cited by the prosecution has been examined till date.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

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

February 14th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No