

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

2025:PHHC:057754



CRM-M-8513 of 2025
(O&M)

DECIDED ON: 2nd May, 2025

Sukhdev @ Dani

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE **SANJAY VASHISTH**

Present: Mr. Ashok Giri, Advocate for petitioner.
Mr. Manjinder Singh Bhullar, DAG Punjab.

SANJAY VASHISTH, J (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sukhdev @ Dani	35	28.03.2024	21/22 NDPS Act 1985(Sections 25/27-A/29/31 NDPS Act and Sections 342/411/120 -B/482 IPC added, however, Section 21 NDPS Act deleted in challan	Sadar Nakodar	Jalandhar Rural

2. On 19.02.205 following order was passed:

“1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FI R No.	Date	Section(s)	Police Station	District
Sukhdev @ Dani	35	28.03.2024	21/22 NDPS Act,(Sections 25/27-A/29/31 NDPS 342/411/120-B/482 IPC were added) whereas Section 21 NDPS Act deleted in challan	Sadar Nakodar	Jalandhar Rural

2. The facts, in brief, are that on the basis of alleged secret information received on 28.03.2024 regarding involvement of one Smt. Rano in the drug business, her premises were raided on the same day i.e. 28.03.2024 itself and there, one person namely Karamjit @ Bobby was found present in the room and 310 Etizolam tables were recovered. Accused Karamjit @ Bobby gave his disclosure statement that he is running a drug de-addiction Centre in the said premises, which was taken by him on rent from the daughter of Smt. Rano, namely Baljinder Kaur and subsequent thereto on 04.09.2024, accused Rano and Baljinder Kaur were also arrested and it is on the statement of Smt. Rano, that police arrested the present petitioner on the allegations that he is a driver of accused Rano and used to supply the medicines/drugs to different people, in return used to get his share of money.

At this stage, learned counsel for the petitioner seeks time to address arguments.

Adjourned to 02.04.2025.”

3. Learned counsel for the petitioner argues that the petitioner was involved in two other cases, without their being any recovery from him. On 28.10.2024, petitioner and Baljinder Kaur @ Baby were ordered to be released on regular bail in case FIR No.245 dated 01.09.2024, under Section 21-B/29/27-A/61/85 of NDPS Act, Police Station Phillaur, Jalandhar.

Learned counsel clarifies that petitioner was neither named in the said FIR nor any recovery was affected. Though from the possession of co-accused in that case namely Mohan Lal and Sunita, there was recovery of 16 grams of *Heroin* (non-commercial quantity).

4. Learned counsel also points out that by a separate order dated 19.11.2024 also petitioner was granted regular bail in case FIR No.244 dated 01.09.2024, under Sections 21-B/29/61/85 of NDPS Act, Police Station Phillaur, Jalandhar, and in that case also neither the name of the petitioner was there nor any recovery was affected. Recovery of 21 grams of *Heroin* (non-commercial quantity) was there from the other two co-accused namely Sunil Kumar and Jaswinder Kaur. As per the allegations in the aforementioned two cases, it was petitioner who supplied the narcotic contraband to the accused in those cases.

5. Thus counsel argues that FIR in question is prior in time and in the said FIR also there is no recovery from the possession of the petitioner. It is admitted case of the prosecution that 310 Etizolam tablets were recovered from the co-accused Karamjit @ Bobby, who was found present in the room which allegedly belongs to one Rano and her daughter Baljinder Kaur.

Learned counsel further argues that in none of the cases, lodged by prosecution till date ever, any narcotic contraband has been recovered from petitioner and he has been falsely involved in the case by the police official. Counsel also argues that apart the alleged disclosure statements of other arrested accused, in all the three cases, no other connecting/corroborative evidence has been collected to strengthen the allegations by the prosecution.

6. Petitioner is inside jail since 05.09.2024 and out of 61 prosecution witnesses only one being examined, learned counsel for

petitioner submits that there is no chances of culmination of trial in near future, therefore considering the plea of personal liberty, he be allowed bail.

7. On the other hand learned State counsel while opposing the prayer made by the petitioner submits that petitioner is a habitual offender who is already involved by the police in three cases under NDPS Act and therefore the petitioner does not deserves any concession of leniency for the purpose of considering the plea of releasing him on bail.

8. The allegations against the petitioner is that he is directly involved in getting benefit of drug trafficking, however, the petitioner is not earning any monetary benefit with the drug trafficking, rather, he is alleged to be working as a driver of co-accused Rano.

9. Learned State counsel could not dispute another fact that till date only one prosecution witness has been examined out of total 61.

10. Considering the submissions addressed by both the sides and going through the record available before this Court, I deem it appropriate to consider the plea of petitioner to release him on bail .

11. Accordingly, petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

14. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

15. Petition stands disposed of.

2nd May, 2025

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(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No