

2025:PHHC:057196



234.

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

CRM-M-10685-2025

Date of decision: 01.05.2025

Sukhjinder Singh @ Sukh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jashandeep Singh Sandhu, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This is second petition that has been filed under Section 483 of BNSS, for grant of regular bail to the petitioner in case FIR No.244, dated 06.10.2022, under Sections 21(c), 25, 29 of NDPS Act, 1985, registered at Police Station STF, Phase-IV, SAS Nagar, Mohali.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case solely on the basis of a disclosure statement made by co-accused, namely, Mintu and Mintu Sahota, from whom a commercial quantity of 5 kgs of heroin was allegedly recovered. It is argued that no contraband was recovered from the petitioner and that a disclosure statement alone is inadmissible in law, being a weak piece of evidence. Further, it has been contended that out of 23 prosecution

witnesses cited, only 10 have been examined so far, and there is no likelihood of the trial concluding in the near future.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted, on instructions, that the petitioner is not only the mastermind behind the drug trafficking operation, but is also closely linked to a transnational drug cartel and has been in regular touch with the individuals based across the border. In addition to his alleged role in the present case, it has been submitted that the petitioner is also facing multiple criminal cases under the NDPS Act, serious offences under the Indian Penal Code, including offences under Sections 302 and 307 IPC etc. as well as a case under the Prisons Act. A prayer has, therefore, been made for dismissal of the instant petition, as there is every likelihood that the petitioner could yet again be involved in another crime and even abscond, leading to further delay in the trial.

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

5. This Court finds that the allegations against the petitioner are not based on a bare disclosure statement alone. The material collected by the Investigating Agency, including the interrogation of co-accused and supporting evidence, *prima facie* indicates the deep involvement of the petitioner in organized drug trafficking. The recovery effected in the present case is of a commercial quantity, and the rigours of Section 37 of NDPS Act are, therefore, fully attracted.

6. Given the gravity of the offence, the antecedents of the petitioner, and the bar under Section 37 of the NDPS Act, no ground for the concession of bail is made out.

7. Present petition stands dismissed accordingly.

8. 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**

May 01, 2025
sanjeev

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No