



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

CRM-M-10106-2025
Date of decision: 21.03.2025

Satnam Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. This is the sixth petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No. 398 dated 13.09.2023, under Section 15(c) of NDPS Act and (Sections 27-A, 29 of NDPS Act added later on), registered at Police Station Ellenabad, District Sirsa.

2. The brief facts of the case are that on 13.09.2023, police apprehended two vehicles. On checking of vehicle driven by Buta Singh, police recovered 170 kg of poppy husk. On checking of the another vehicle i.e. Honda City car nothing was recovered and Gursewak Singh, Gurpal Singh and Anmol Singh were found to be traveling in the said car. The present petitioner was nominated as an accused on the basis of disclosure statement suffered by aforesaid Buta Singh and thereafter, arrested by the police on 31.10.2023. However, no recovery of contraband was effected by the police at the instance of the present petitioner.



3. The counsel for the petitioner inter alia submits that the petitioner is falsely implicated in the present case on the basis of alleged disclosure statement suffered by co-accused Buta Singh. Any such disclosure statement suffered by co-accused against the petitioner is inadmissible in evidence. It is further submitted that the petitioner is incarcerated for the last more than 1 year and 5 months and trial is not progressing ahead and during investigation, no contraband was recovered by the police from possession of the petitioner. It is further submitted that the petitioner is already enlarged on bail in all the other criminal cases faced by him. It is further submitted that further detention of the petitioner in judicial custody is not going to serve any purpose.

4. The present petition is resisted by the State counsel who on instructions from SI Satbir Singh submits that police recovered 170 kg of poppy husk from a vehicle of Buta Singh and even Anmol Singh, Gursewak Singh and Gurpal Singh who were traveling in separate Honda City car were also arrested at the spot by the police. The name of the petitioner surfaced in the disclosure statement of Buta Singh and thereafter, he was nominated as an accused. During investigation, it was also revealed that the petitioner made payment of Rs.35000/- through google pay to son of Buta Singh. During investigation, the petitioner was arrested and is in custody since 31.10.2023. The State counsel also apprised the Court that the petitioner is having criminal history but is enlarged on bail in all the other criminal case faced by him. The State counsel has not disputed the fact that during investigation, no contraband was recovered at the instance of the petitioner and further till date, no witness has been examined by the prosecution



during trial.

5. I have considered the submissions made by counsel for the parties.

6. The petitioner who was not named in the FIR was later on nominated as accused on the basis of disclosure statement suffered by co-accused Buta Singh. The veracity and admissibility of the said disclosure statement will be tested during trial. The relevance of the concerned transaction through google pay vide which petitioner made payment of Rs.35000/- to son of Buta Singh is also subject matter of the trial as son of Buta Singh is not accused in the present case. It is apparent that petitioner is on bail in all the other criminal cases faced by him. During investigation, no recovery of contraband was effected from petitioner or at his instance by the police. The petitioner is behind the bars for the last about 1 year and 5 months and it will take time for the trial to conclude. In the given circumstance, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.03.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No