



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-10959-2025 (O&M)
Date of Decision:- 25.04.2025

SUKHWINDER SINGH @ TOA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.K. Singla, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC/483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
25	12.02.2024	15 and 29 NDPS Act	STF, SAS Nagar (Mohali)

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is not named in the FIR and has been nominated on the alleged disclosure statement of co-accused. He further contends that the petitioner has no concern whatsoever with the said co-accused or with



the alleged recovery effected from them. He submits that the petitioner is in custody since 12.07.2024 and after the completion of investigation, challan has been presented in Court. He further submits that the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has assailed these arguments by submitting that the petitioner had been actively participating in the sale and purchase of narcotics. He contends that petitioner had been nominated by co-accused Takha Singh in his disclosure statement and was accordingly arrested on 12.07.2024. He however, admits that no recovery has been effected from the petitioner in this case, and challan has already been presented in court.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 12.02.2024, SI Nirmal Singh, during patrolling received a secret information that Takha Singh and Jagga Singh, along with 2-3 unknown persons are conducting the business of selling of poppy husk and they are having huge quantity of poppy husk in their possession near Jimmi Dhaba, which they will be supplying today. On the basis of said information, FIR was registered, and accordingly a raid was conducted at the given place, wherefrom although Takha Singh and Jagga Singh ran away from the spot in their respective vehicles but the police party recovered 08 plastic bags, each containing 20 KG of poppy husk, which was taken into possession. Later an information was received that the vehicle



driven by Takha Singh is parked near Bhakhra Canal at Patiala, upon which another raid was conducted and 60 KG of puppy husk was recovered from the parked vehicle along with vehicle in question, but no person was arrested. During the course of investigation, Takha Singh was arrested on 18.05.2024, who made a disclosure statement nominating the petitioner along with Jagtar Singh @ Taru and Tari Singh. Thereafter, on the basis of disclosure statements of co-accused Jagtar Singh and Takha Singh, 17 KG of poppy husk was further recovered on 20.05.2024. After the nomination of the petitioner, he was arrested in this case on 12.07.2024, however, no recovery was effected from him. Thereafter upon the completion of the investigation, challan was presented in Court, wherein the prosecution has cited 33 witnesses, but till date none has been examined.

6. From the perusal of the record, it transpires that the petitioner was neither named in the FIR nor any recovery was effected from him consequent upon his arrest after being nominated on the basis of disclosure statement of accused Takha Singh. As per the reply submitted by the State, co-accused Takha Singh in his disclosure statement had stated that the petitioner was allegedly sitting along with him in the vehicle on 12.02.2024, which however being his own disclosure statement, admissibility thereof is debatable. The fact that no recovery of contraband has been effected from the petitioner in the case and he is in custody since 12.07.2024, no purpose would be served by detaining the petitioner in custody any longer, as the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time.



7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.
9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
10. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

25.04.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |