

2025:PHHC:087412



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-20610-2025

Date of decision: July 17, 2025

SUKHDEV SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Sekhon, Advocate and
Ms. Nidhi, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab
with SI Balraj Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition is the second petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.57 dated 08.04.2024 under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Special Task Force, Sector-79, Sohana, District SAS Nagar (Annexure P-1).

2. Learned counsel for the petitioner submits that on the face of it, a false and fabricated case has been planted upon the petitioner. It has been contended that as per the case of the prosecution, a secret information was received *qua* the petitioner's involvement in drug trafficking. Learned counsel submits that subsequently, when the police reached the house of the petitioner, he was found standing outside with a bag and on sighting the police, he threw away the bag containing contraband, from which 800 tablets of Tramadol were then recovered. Learned counsel has submitted that the recovery initially made from the bag alleged to have been thrown by the petitioner weighed less than 250 grams (less than the commercial quantity). Subsequently, after two days, a disclosure statement was shown to have been



made by the petitioner, leading to recovery of additional 200 tablets of Tramadol from none other than the same place i.e. his house, where he was initially apprehended on 08.04.2024. Learned counsel has, therefore, vehemently asserted that it leaves no manner of doubt that the petitioner is innocent. Learned counsel for the petitioner has also submitted that the trial is progressing at a very slow pace as 11 prosecution witnesses out of the 20 cited still remain to be examined and trial is unlikely to conclude in the near future.

3. Learned State counsel has filed custody certificate of the petitioner in the Court today, which is taken on record subject to all just exceptions.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that a secret information had been received *qua* the involvement of the petitioner, leading to the initial recovery of 800 tablets of Tramadol; subsequently, on 10.04.2024, the petitioner made another disclosure statement, pursuant to which, additional 200 tablets of Tramadol were recovered totaling 1000 tablets, which is classified as 'commercial' under the NDPS Act.

5. Learned State counsel has further submitted that although the petitioner has no previous criminal antecedents, however, it is highly improbable that such a huge quantity would have been planted upon the petitioner. However, learned State counsel, on instructions, has not been disputed that the after the presentation of challan on 20.07.2024 and framing of charges on 29.07.2024, 4 out of the 20 witnesses cited by the prosecution have been completely examined, 3 partly examined and 2 have been given up, which leaves 11 prosecution witnesses still remaining to be examined.

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

7. The petitioner has been in custody since 08.04.2024. The petitioner has no previous criminal antecedents. The trial is unlikely to



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conclude in the near future as 11 prosecution witnesses still remain to be examined.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude.

9. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. 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.

11. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

July 17, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*