



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-28025-2025

Date of Decision:-20.08.2025

Sukhjeet Singh @ Toti.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parminder Singh Sekhon, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail to the petitioner in case FIR No.130 dated 28.08.2024 under Sections 21-C, 22-C of NDPS Act, 1985 registered at Police Station Special Task Force, Sector 79, Sohana, District SAS Nagar.

2. The brief facts of the case are that Gurpreet Singh @ Dhalu and Sukhjeet Singh @ Toti (petitioner) came to be apprehended by the police on suspicion. Recovery of 260 grams of Heroin and 1350 intoxicant tablets containing the salt Alprazolam came to be effected from Gurpreet Singh @ Dhalu.

3. The learned counsel for the petitioner contends that no recovery has been effected from the petitioner. The petitioner cannot be said to be in conscious possession of the contraband recovered from the co-accused. As the petitioner is in custody since 28.08.2024 but only 01 out of the 16



prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned State counsel on the other hand contends that the petitioner and his co-accused were apprehended while they were sitting together. They saw the police party and attempted to run away. Therefore the petitioner can also be said to be in conscious possession of the contraband actually recovered from Gurpreet Singh @ Dhalu. He however, concedes that the petitioner is in custody since 28.08.2024 and only 01 out of the 16 prosecution witnesses has been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, no recovery of any contraband has been effected from the petitioner. It would be a moot point during the course of the Trial as to whether the petitioner can be said to be in conscious possession of the contraband recovered from the co-accused. In this situation a *prima facie* satisfaction under Section 37 of NDPS Act can be recorded. The petitioner is stated to be in custody since 28.08.2024 and only 01 out of the 16 prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Hence his further incarceration is not required.

10. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioner-**Sukhjeet Singh @ Toti** son of Sh. Gurtej Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same



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would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 20, 2025
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>