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

**CRM-M No.35118 of 2025
Date of decision: 26.08.2025**

Suhail Khan**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. I. P. S. Kohli, Advocate and
Mr. Sidharth Maini, Advocate
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.103, dated 25.04.2025, under Section 25 of Arms Act, 1959 and Sections 21 & 29 of NDPS Act added later on, registered at Police Station Sohana, District SAS Nagar (Mohali).

2. Succinctly the facts of the case are that the police party, while on patrolling on 25.04.2025, received a secret information to the effect that Satnam Singh @ Nikku, Suraj Kumar @ Pehalwan, Sukhwinder Singh @ Sukh were having illegal weapons. It was informed that they were roaming in the Swift car bearing registration No.HR13-L-7069 along with the weapons and if the barricading is laid, they could be arrested



along with the weapons. On receiving the secret information, the raiding party was constituted and the barricading was laid. The car, as disclosed in the secret information, was seen coming. Three persons were travelling in the same. All were apprehended and on asking, they disclosed their names to be Satnam Singh @ Nikku, Suraj Kumar @ Pehalwan and Sukhwinder Singh @ Sukh. From their possession, 01 pistol, one extra magazine, 05 live cartridges of 30 bore and 201 grams of heroin were recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, they made disclosure statement about the petitioner and thus, the petitioner was also arrayed as an accused in the present case. The police raided the house of the petitioner and on raiding, 1 pistol, 06 live cartridges, cash amounting to Rs.8,10,000/- and 10 grams of heroin and a car having parked there, were recovered from the house of petitioner. Resultantly, the petitioner was arrested on 25.04.2025. The petitioner approached the Court of learned Judge, Special Court, SAS Nagar, Mohali praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, SAS Nagar, Mohali declined the bail application filed by the petitioner vide order dated 09.06.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the



present case. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, namely, Satnam Singh. To buttress his arguments, learned counsel for the petitioner has submitted that co-accused of the petitioner have already been granted bail by the learned trial Court. He has submitted that the petitioner has never been involved in any other case under the NDPS Act and thus, in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by counsel for the petitioner. She has submitted that complicity of the petitioner was duly established in the present case. She has submitted that recovery of weapon and contraband was also recovered from the petitioner. She has further submitted that the investigation is complete and charges have been framed. She, on instructions, has submitted that out of total 19 prosecution witnesses, no witness has been examined so far. She has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it has been transpired that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused, however the co-accused have already been granted bail by the learned trial Court. He was arrested on 25.04.2025 and since then he is behind bars. Custody certificate produced would show that the petitioner



has completed incarceration of 03 months and 26 days as on 26.08.2025. Custody Certificate further shows that the petitioner is involved in two more cases, however he is on bail in those case. Out of 19 prosecution witnesses, no witness has been examined till date.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.08.2025
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No