

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

2025:PHHC:127359



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CRM-M-40087-2025 (O&M)

Date of Decision: 15.09.2025.

Sunil @ Jaggu

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Vedant Setia, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No.61 dated 19.04.2025 under Section 21-B of NDPS Act (Sections 27 and 29 of NDPS Act added later on), registered at Police Station City Malout, District Sri Muktsar Sahib.

As per prosecution case, co-accused, namely, Deepak Kumar @ Deepu and Shiv Kumar @ Nanny were found in possession of 20 grams of heroin and the petitioner was nominated as an accused in the present case on the basis of disclosure statement of co-accused Deepak Kumar @ Deepu, being supplier of said contraband.

Learned counsel for the petitioner contended that no recovery has been effected from the petitioner and he is not connected with the offence in the present case. The petitioner has been falsely implicated in the present case only on the basis of disclosure statement of co-accused Deepak

Kumar @ Deepu, which is not admissible in law. He prayed that custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation and the present petition be allowed.

On issuing notice, status report was filed by State and the same was taken on record.

Learned State counsel has opposed the petition and submitted that the allegations levelled against the petitioner are grave and serious in nature. He has been specifically named in the disclosure statement of co-accused and as such he is not entitled to the concession of regular bail.

Heard.

As per the allegations, the name of the petitioner surfaced in the present case, only on the basis of disclosure statement of co-accused Deepak Kumar @ Deepu, who alleged him to be the supplier of the contraband. As per status report, the petitioner supplied 20 grams of heroin to the co-accused, for which a sum of Rs.7,000/- was arranged through Prince @ Moju Kiryana Merchant and transferred to the petitioner's account via Google Pay. But nothing has been brought on record regarding any direct payment made to the petitioner by co-accused Deepak Kumar @ Deepu. Thus, except the disclosure statement, there is no material on record to connect the petitioner with the offence in the present case. Recovery has already been effected in the present case from co-accused and nothing is to be recovered from the petitioner. The alleged recovery effected from co-accused, namely, Deepak Kumar @ Deepu and Shiv Kumar @ Nanni, falls within the 'non-commercial quantity'. The custodial interrogation of the petitioner is not required for any purpose and no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of his arrest, the petitioner is ordered to be released on bail, on his furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail application.

Pending application(s), if any, shall also stand disposed of.

(SUKHVINDER KAUR)
JUDGE

15.09.2025.

Komal

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