



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

CRM-M-61436-2024
Date of decision: 10.01.2025

Manjinder Singh @ Sonu Behal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. K.S. Sidhu, Advocate for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.298 dated 16.11.2021, under Section 15 of NDPS Act (Section 29/25 of NDPS Act was added later on), registered at Police Station Sadar Fazilka, District Fazilka.

2. The allegations in nutshell are that on the basis of secret information, police recovered 90 kg of poppy husk from Tata Canter No.PB-05-AK-7983 on 16.11.2021 in which Darshan Singh and Jaj Singh were traveling. The petitioner was nominated as accused on the basis of disclosure statements suffered by Darshan Singh and Jaj Singh and later on, arrested by the police.

3. The counsel appearing on behalf of the petitioner submits that the petitioner has nothing to do with the aforesaid recovery 90 kg of poppy husk. The petitioner was not arrested from the place of recovery. It is further



submitted that the petitioner was nominated as accused and later on, arrested on the basis of alleged disclosure statement made by co-accused. That the disclosure statement if any suffered by co-accused against the present petitioner is hit by the law laid down by Hon'ble Supreme Court in ***Tofan Singh Vs. State of Tamil Nadu (2021) 4 SCC 1*** and the said disclosure statement is in admissible in evidence. It is further submitted that petitioner is in custody for the last more than 4 months and that it will take time for the trial to conclude. So, prayer is made that no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. Reply by way of affidavit of Tarsem Masih, Deputy Superintendent of Police, Sub Division Fazilka filed on behalf of the State is taken on record along with Annexure R-1.

5. The present petition is resisted by the State counsel who on instructions from ASI Ramesh Chand has not disputed the fact that the petitioner was named as an accused on the basis of disclosure statement made by co-accused Darshan Singh and Jaj Singh, from whom police recovered 90 kg of poppy husk while they were traveling in a four wheeler. The State counsel further submits that stringent provision of Section 37 NDPS Act are attracted to the instant case as aforesaid recovery comes under commercial quantity of contraband. However, the State counsel has not dispute the fact that except for aforesaid disclosure statement, no incriminating evidence is available against the petitioner. The State counsel also apprised the Court that till date prosecution is able to examine only four witnesses out of total 19 witnesses and that the petitioner is also facing one another criminal case under NDPS Act wherein he is enlarged on bail.



6. I have considered the submissions made by counsel for the parties.

7. Admittedly, the petitioner was not named in the FIR and was nominated as an accused on the basis of disclosure statement suffered by co-accused Darshan Singh and Jaj Singh who were traveling in a four wheeler from which police recovered 90 kg of poppy husk. The veracity and relevancy of the said disclosure statement(s) will be tested during trial. The petitioner is in custody for the last more than four months and it will take time for the trial to terminate. Admittedly, no contraband is recovered at the instance of the petitioner. Co-accused Jaj Singh who was arrested from the spot is already given benefit of regular bail by co-ordinate Bench of this Court vide order dated 10.08.2023 (Annexure P-4). In the given circumstances, the further detention of the petitioner in judicial custody is not going to serve any purpose.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.01.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**