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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-62802-2024 (O&M)
Date of decision: 19.02.2025

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Malkiat S. Hundal, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail in case bearing FIR No. 0034 dated 10.06.2024, registered under Sections 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station State Special Operation Cell, Amritsar. The first petition, bearing number **CRM-M-50671-2024**, was dismissed as withdrawn on 21.10.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 10.06.2024, on the basis of a secret information, co-accused Gursahib Singh and Sajan Singh, while coming in a car bearing registration number PB-02-AZ-8550, were apprehended by a police party headed by Inspector Inderdeep Singh and recovery of 7.5 kgs. of heroin and 16 live cartridges of .30 bore was effected from them. They were formally

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arrested at spot. During the course of investigation, some other persons including one Satnam Singh were also nominated. Satnam Singh was arrested in this case on 11.06.2024 and recovery of 500 grams of heroin and a pistol of .30 bore loaded with 10 live cartridges was effected from him. On interrogation, he disclosed that he used to receive consignments of heroin and arms/ammunition from co-accused Gursahib Singh and other unidentified persons and as per directions of Rajwinder Singh @ Raju, he used to deliver the said consignments to one Jagmohan Singh @ Jagga and the present petitioner. On the basis of the same, the petitioner was also nominated in this case and was arrested on 29.06.2024. During interrogation, he admitted his guilt and involvement in the subject crime. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 25.09.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. No recovery has been effected from the petitioner. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, investigation has since been completed and *challan* has been presented. The petitioner is in judicial custody since 29.06.2024. The trial is likely to take time. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

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4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused but during the course of investigation, his complicity in the subject crime has been duly established. The petitioner was involved with other co-accused in smuggling narcotic substances and arms/ammunition from Pakistan. There are serious allegations against him. He is part of a gang, which is involved in sale/purchase of narcotic and psychotropic substances. It is further argued that since the quantity of the contraband recovered in this case falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The trial is going on at a proper pace. If the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was nominated in this case on the basis of the disclosure statement suffered by aforesaid co-accused. The allegations against him are that he is part of a gang, which is involved in smuggling of narcotic substances and arms/ammunition from Pakistan. The allegations against the petitioner are quite serious in nature. He is involved in cross border smuggling. The quantity of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him as nothing has been placed on record before this Court so as to believe that he did not commit the

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subject offence or in case, he is released on bail, he would not commit any such or similar offence. The apprehension of learned Assistant Advocate General, Punjab that if extended benefit of bail, the petitioner may abscond or indulge in similar offences cannot be stated to be unfounded. Trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of trial. Hence, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of the contraband recovered in this case, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No