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

CRM-M-62270-2025

Date of Decision: 12.11.2025

Sukhdev Singh @ Manu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karanjeet Singh Brar, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.118 dated 30.09.2021 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act, and Sections 25(6)(7) of Arms Act, 1959 added lateron), registered at Police Station Mehna, District Moga.

2. Succinctly, facts of the case are that on 30.09.2021, the police party while on patrolling received a secret information to the effect that Amandeep Singh @ Gora is involved in selling of heroin. It was informed that he is present at bus stand Mehana and waiting for his customers and in case of raid, he could be arrested alongwith the contraband. On receiving the secret information, a raiding team was constituted and reached the place as disclosed. A person as disclosed in the secret information, was found present there. On asking, he disclosed his name to be Amandeep Singh @ Gora. On suspicion, his searched was conducted and 300 grams of heroin was recovered from him. He failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested. The investigation commenced. Samples taken were sent to the FSL. During the investigation, he made a disclosure statement about the present



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petitioner, namely Sukhdev Singh @ Manu that out of total 300 grams of heroin, 150 grams of heroin was supplied to him by Sukhdev Singh @ Manu. Thus, the petitioner was also arrayed as an accused and was arrested on 26.08.2024. The petitioner approached the Court of learned Judge, Special Court, Moga praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 07.10.2024. The petitioner earlier approached this Court by way of filing CRM-M-57266-2024, however, the same was allowed to be dismissed as withdrawn, vide order dated 24.04.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submit that neither the petitioner was named in the FIR, nor any recovery has been effected from him. He submits that the petitioner has been implicated in the present case only on the basis of disclosure statement of co-accused Amandeep Singh @ Gora, who disclosed about having purchased 150 grams of heroin from the petitioner. It is submitted that the disclosure statement of the co-accused is not an admissible evidence and if at all, the disclosure statement of the co-accused is relied upon, then also the allegation against the petitioner is that he supplied 150 grams of heroin, which is a non-commercial quantity and the provisions of Section 37 of NDPS Act would not be attracted against the petitioner. It is submitted that the petitioner is behind bars since the date of his arrest, but till date there



is no progress in the trial. It is, further, submitted that five co-accused are already on bail. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender, who is involved in 10 other cases. It is submitted that the petitioner had supplied 150 grams of heroin to co-accused Amandeep Singh @ Gora, from whom 300 grams of heroin was recovered, which is a commercial quantity and thus, provisions of Section 37 of the NDPS Act, are attracted in this case. On instructions, he submits that supplementary challan has been presented against the petitioner and out of seven accused, five accused are already on bail. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the disclosure statement of the co-accused. As submitted before this Court, the investigation is complete and challan has been presented. The custody certificate would show that the petitioner has suffered incarceration of 01 year, 02 months & 16 days as on 11.11.2025. It further shows that the petitioner is involved other cases as well, however, he is on bail in those cases.

6. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme

Court expressed its views as under:-



19. *A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.*

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21 *.....it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.*

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23. *There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see Donald Clemmer's 'The Prison Community' published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'*

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. This Court would refrain itself from



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commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

12.11.2025
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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No