



CRM-M-64725-2025

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

CRM-M-64725-2025
Decided on : 21.11.2025

Sukhwinder Singh @ Sukha

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Bareen Pratap Singh, AAG Punjab

SANJAY VASHISTH, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR, bearing No.149 dated 02.12.2022, registered at Police Station Barnala, District Barnala, under Sections 15, 25 of NDPS Act, and offence under Section 29 of NDPS Act, and offence under Section 473 IPC, added later on.
2. As per the case of prosecution, on 02.12.2022, while patrolling near the Main Highway Barnala/Moga Road, ASI Tarsem Singh along with other police officials, including SC Dharminder Singh and C. Jaspreet Singh, noticed a closed container body, bearing registration number, HR 67B 4885 parked near Kartar Palace. At the rear of the container, two persons, namely Beant Singh alias Ant and Manpreet Singh alias Mani, were seen standing by the open door carrying white plastic bags, which aroused suspicion that they were in possession of some intoxicant substance. Acting upon this suspicion, police party stopped the vehicle. Subsequently, SI/SHO of Police Station Pakho Kenchian, along with other officials, reached the spot. Owing to further suspicion of narcotic involvement,

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Gazetted Officer, Satbir Singh, PPS/DSP Barnala, was called to the scene. Both Beant Singh and Manpreet Singh were apprised of their legal rights under Section 50 of the NDPS Act, after which the DSP directed the search of container. Upon conducting search, 90 bags containing small pieces of poppy husk (opium poppy straw) were recovered, each weighing around 20 kg, amounting to total 1800 kg. The recovered contraband and the container were seized, and case was registered against Beant Singh alias Ant and Manpreet Singh alias Mani under Sections 15, 25, 61, and 85 of the NDPS Act.

3. Learned counsel for the petitioner submits that petitioner has been implicated in the present case solely on the basis of the confessional statements of co-accused Beant Singh alias Ant and Manpreet Singh alias Mani. It is further submitted that petitioner Sukhwinder Singh @ Sukha is in custody since 29.12.2022. After completion of investigation, challan was presented on 04.06.2025, and out of total 19 prosecution witnesses, 10 have been examined and 2 have been given up, so far. Learned counsel for the petitioner argues that there is no connecting evidence linking the petitioner with the recovery of huge quantity of 1800 kilograms of poppy husk recovered from the container in the presence of the main accused. It is, therefore, contended that no useful purpose would be served by keeping the petitioner incarcerated any further, and hence, prayer is made for grant of regular bail to the petitioner in the present cases. It is further submitted that other two accused namely Ranjit Singh alias Rana and Satnam Singh alias Satta, who were also disclosed to be on the same footing, have already been ordered to be released on bail vide order dated 11.11.2025 passed in CRM-M-39703-2025 and CRM-M-46219-2025.

4. On the other hand, learned State counsel, while opposing the prayer

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and submissions made by learned counsel for the petitioner, contends that present case involves a huge recovery of contraband. As per the investigation conducted by police, petitioner was found escorting the container in a separate vehicle, thereby making them equally liable for the consequences arising under the NDPS Act for the recovered contraband. It is further submitted that upon arrest of co-accused Satnam Singh alias Satta, on 29.12.2022, an additional recovery of 120 kilograms of poppy husk was made from his possession along with another co-accused i.e. petitioner, who was present with him in a car. Moreover, it is argued that Sukhwinder Singh @ Sukha is involved in other criminal cases, as well. In view of the seriousness of the offence, quantity of the recovered contraband, and antecedents of the petitioner, learned State counsel prays for dismissal of both the present petitions.

5. This Court has heard the submissions advanced by counsel for the parties and perused the record available.

6. Recovery in the present case was effected in the jurisdiction of Police Station Barnala, District Barnala. Despite repeated inquiries, and on being questioned by the Court, learned State counsel, on instructions from ASI Baljinder Singh present in Court, could not indicate the source from which the petitioner allegedly procured the huge contraband of 1800 kilograms of poppy husk. It was, however, noticed that another accused, Hardeep Singh, who owns the container, bearing registration number HR 67 B 4885, has been nominated, but is yet to be arrested. Furthermore, when the Court sought particulars of the vehicle in which the petitioner allegedly escorted the container, learned State counsel admitted complete ignorance regarding this fact.

7. Although, culpability of the petitioner is to be ascertained during trial

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after the complete adducing of evidence, and no opinion can be expressed at this stage, it is imperative for the prosecution to establish a clear link between the petitioner and the recovered contraband. Considering the separate residences of the petitioner and lack of any established connection with the recovered poppy husk at this stage, this Court is of the view that petitioner cannot be detained any further inside jail. It has also been noticed that out of 19 prosecution witnesses, 10 have been examined, 2 have been given up, and 7 witnesses are yet to be recorded.

8. In view of the totality of circumstances, facts and allegations against the petitioner, pending examination of witnesses, and the prosecution's burden to establish connectivity, this Court deems it appropriate to grant concession of regular bail to the petitioner in the present petition.

Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Any of the discussion done and recorded hereinabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

November 21, 2025

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**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO