

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

2026.PHHC.054269



CRM-M-9582-2026 (O&M).
Date of decision: 08.04.2026.

SUKHWINDER SINGH @ GANDHI

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. G.S. Nahel, Advocate,
for the petitioner(s).

Dr. (Ms.) Savi Nagpal, AAG, Punjab, assisted by
ASI Daljit Singh No.356/Mansa.

VINOD S. BHARDWAJ, J. (Oral)

This is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.0057 dated 05.04.2024, under Section(s) 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (Section 27 of the NDPS Act added later on), registered at Police Station Bhikhi, District Mansa. The first petition seeking grant of regular bail was withdrawn on 29.10.2025.

Status report on behalf of respondent-State has been filed in the Court today. A copy thereof has been supplied to the counsel for the petitioner.

As per the story of the prosecution, on receiving secret information, the police stopped the Trailer Truck bearing No.PB-19H-9406. It is alleged that the petitioner was driving the Trailer Truck and the co-accused Nirmal Singh was sitting on the conductor seat in the cabin along with the driver while co-accused Navjot Singh alongwith one Harmanpreet Singh @ Honey were sitting in the backside body of the said Trailer Truck. It is further the case of the prosecution that the Deputy Superintendent of Police (SD), Mansa, namely Gurpreet Singh, reached the spot and on search, found raw iron to be loaded in the Trailer Truck. After removal of the raw iron, 300 kilogram of poppy husk was recovered in 20 bags that had been kept beneath the raw iron. Present FIR was thus registered on recovery of 300 Kg of Poppy Husk.

Learned counsel appearing on behalf of the petitioner contends that the petitioner is in custody since 05.04.2024 and thus has already undergone an actual custody of two years. He contends that notwithstanding the charges having been framed in December 2024, no prosecution witness has been examined so far and there are total 19 witnesses to be examined by the prosecution. He contends that the petitioner was not aware of the material that has been recovered since the owner Nirmal Singh @ Ghadda was the co-passenger sitting with the petitioner herein, hence, the same was done by the owner himself. He contends that said Nirmal Singh has already been granted the concession of regular bail vide order dated 16.09.2025 passed in CRM-M-31483-2025. He refers to the specific affidavits sworn by Nirmal Singh @ Ghadda as well as Satvir Kaur, the former owner of the vehicle, which such affidavits have been collected by the police as a part of investigation.

State counsel does not dispute that the petitioner was driver of the said truck. She has, however, been confronted with the fact that at the time of the hearing of the bail application of Nirmal Singh @ Ghadda in CRM-M-31483-2025, the fact that said Nirmal Singh @ Ghadda was also the owner of the truck had not been disclosed by the prosecution and that the contention of Nirmal Singh @ Ghadda only being a co-passenger sitting in the cabin remained uncontroverted.

I have heard counsel appearing for the respective parties and have gone through the documents appended along with the present petition.

Taking into consideration that there are arguable issues that would arise for consideration with respect to the petitioner being in conscious possession of the contraband or not, coupled with the period of custody already undergone, the stage of trial where no witness, out of 19 witnesses cited by the prosecution, has been examined so far and also the fact that owner of the vehicle who was also in the truck has already been granted concession of regular bail, the present petition deserves to be allowed.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

This court further notices that a disclosure of the aspect that Nirmal Singh @ Ghadda was owner of the truck in question as per the evidence already collected in investigation and being a part of the challan was a relevant fact for consideration of the petition seeking grant of regular bail filed by Nirmal Singh @ Ghadda, however, the respondent-State failed to divulge the said information. This Court finds it difficult to comprehend as to how the State could have skipped over of being informed of the aforesaid fact to the State counsel under ordinary circumstances.

Thus, this Court deems this lapse as a grave one and directs the Senior Superintendent of Police, Mansa, to conduct an inquiry and apprise this Court as to why the aforesaid fact was not apprised to the law officer assisting this Court and/or was mentioned in the information that is usually conveyed by the respondent authorities to the office of the Advocate General. Gural Singh had sold the aforesaid truck through his attorney and wife Satvir Kaur in favour of Nirmal Singh @ Ghadda.

Let the needful be done within a period of 04 weeks from today.

List on 08.05.2026.

The affidavit shall be filed by the SSP, Mansa, regarding the action taken before the next date of hearing.

April 08, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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