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

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Date of Decision: 20.02.2026

SUKHJINDER SINGH @ SUKH

... PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Parneet Singh Pandher, Assistant A.G.Punjab

H.S. Grewal, J.(Oral)

1. This petition has been filed for grant of regular bail under Section 483 of BNSS in case FIR No. 244 dated 06.10.2022 under Sections 21(c), 25,29 of NDPS Act registered at Police Station STF Phase-IV, Mohali.

2. The case of the prosecution is that the co-accused, namely Mintu @ Sahota, was found in conscious possession of a huge commercial quantity of 5 kilograms of heroin. Thereafter, he disclosed the name of the present petitioner as the main supplier of the heroin and alleged that he had been operating from behind the bars by using illegally smuggled mobile phones while being lodged in jail.

3. Learned counsel for the petitioner submits that the petitioner has been nominated in the present case solely on the basis of the disclosure statement suffered by the co-accused Mintu. However, no recovery has been effected from the conscious possession of the petitioner. It is further submitted

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that there is only a disclosure statement against the petitioner, which is inadmissible in evidence and cannot be relied upon as a substantive piece of evidence. Apart from the disclosure statement of the co-accused, there is no evidence on record to connect the petitioner with the alleged offence. Furthermore, there is no call detail record or any other material to show that the petitioner was personally using any mobile phone while in confinement. It is argued that at the time of recovery and disclosure, the petitioner was already lodged in jail in connection with FIR No. 05 dated 16.01.2021 registered under Sections 307, 506, 148, 149 of the IPC and Section 25 of the Arms Act at Police Station Kulgarhi, Ferozepur. The petitioner is in custody since 12.10.2022.

4. On the hand hand, Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner is involved in multiple FIRs out of which 03 are under NDPS Act. He has filed the custody certificate in the Court today, which is taken on record. As per custody certificate, the petitioner is in custody for the last 02 years 09 months and 17 days. He further submits that out of 26 cited prosecution witnesses, only 16 have been examined so far and 10 witnesses are yet to be examined.

5. I have heard the learned counsel for the parties and perused the record.

6. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case and the fact that there is no other evidence collected against the petitioner except the



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disclosure statement made by the co-accused; no recovery has been effected from the petitioner; out of 26 cited prosecution witnesses, only 16 have been examined so far and 10 witnesses are yet to be examined, the petitioner is in custody for the last 02 years 09 months and 17 days; the continuous detention of the petitioner would not serve the ends of justice as the trial will take a considerable time to conclude. Moreover, bail is rule and jail is exception. Hence, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing said hereinabove shall be considered as an expression of opinion on the merits of the case.

9. It is clarified that if on bail so granted through the instant order, the petitioner is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.

20.02.2026

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(H.S.GREWAL)
JUDGE

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