

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

**CRM-M-422-2025 (O&M)
Reserved on : 25.02.2025
Pronounced on : 28.02.2025**

Sukhpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Amritpal Singh Gill, Advocate
for the petitioner.

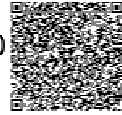
Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 6 dated 12.01.2023, registered under Sections 21, 22, 27 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Anaj Mandi, District Patiala.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 12.01.2023, co-accused Baljinder Singh @ Happy was apprehended by a police party headed by ASI Rachhpal Singh and recovery of 1000 of loose intoxicant capsules of *Tramadol Hydrochloride* and 20 grams of heroin was effected from him. He was formally arrested at the spot. During the course of investigation, he disclosed that he used to purchase intoxicant capsules and heroin from the present petitioner. On the basis of the same, the

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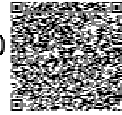


petitioner was nominated in this case and arrested on 16.09.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 04.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statements made by the aforesaid co-accused, which is not admissible in evidence. To fortify this argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1***. No subsequent recovery was effected from the petitioner. Even otherwise, main accused Baljinder Singh @ Happy Dhaliwal, who was arrested at the spot and from whose possession the aforesaid recovery of contraband was effected, has been granted concession of regular bail by this Court, vide order dated 09.08.2023 passed in ***CRM-M-17108-2023***. On the grounds of parity, the petitioner too deserves to be granted the same benefit. The trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Short reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner was nominated in this case on the basis of the disclosure suffered by the co-accused but during the course of investigation, his involvement in the subject crime has been duly established. The petitioner

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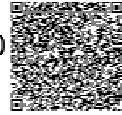


used to supply contraband to the aforesaid co-accused, who was arrested at the spot. Trial is going on at proper pace. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Baljinder Singh @ Happy Dhaliwal, who was arrested at the spot on 12.01.2023 and from whose possession, aforesaid quantity of the intoxicant capsules and heroin was recovered. The allegation against the petitioner is that he used to supply the contraband to the co-accused. The petitioner has been apprehended in this case after a long gap of about 16 months from the date of registration of the FIR. Neither any subsequent recovery of the contraband is shown to be effected from him nor is he stated to be involved in any other case under the NDPS Act. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 16.09.2024. Main accused Baljinder Singh @ Happy Dhaliwal has already been granted concession of regular bail by this Court, as mentioned above. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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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.

28.02.2025

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No