



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

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CRM-M-42892-2025

Date of decision: 15<sup>th</sup> September, 2025

Sahil Sahni

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Abhishek Khullar, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 115 dated 05.06.2025 registered under Section 21 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station Sadar Ludhiana, District Ludhiana.

2. As per the allegations, on 05.06.2025, the accused Sukhpreet Singh @ Sahil was apprehended by the police party who, on seeing them, threw a black polythene on the road and tried to flee. On checking, 5 grams of heroin were found kept therein. He was formally arrested. On interrogation, he made a disclosure statement, on the basis of which the present petitioner was nominated as an accused. He was arrested on 20.06.2025. Investigation now stands completed.



3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement which cannot be considered to be admissible in evidence. No recovery has been effected from him. The recovery allegedly effected from the co-accused is of non-commercial nature and that accused have even been extended benefit of regular bail. The case of the petitioner is even at a better footing. It is, therefore, urged that the petitioner too deserves to be released on bail.

4. *Per contra*, learned State counsel who has placed on record custody certificate of the petitioner, has submitted that he has criminal antecedents. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner was nominated in this case on the basis of disclosure statement of the co-accused from whom non-commercial quantity of contraband has been recovered. The rigors of Section 37 of the NDPS Act have not been attracted against the petitioner. No recovery has been effected from him. The veracity of the disclosure statement as suffered against the petitioner will be tested during the course of trial. He has been in custody since 20.06.2025. The petitioner is shown to be involved in two more cases, however, only due to that reason he cannot be denied benefit of bail. The trial is likely to take long time to conclude. The object of the jail is to secure the appearance of the accused during the trial and it can neither be punitive



nor preventive. Deprivation of liberty has been considered as a punishment. Taking into consideration the nature of the allegations as levelled against the petitioner, the period of his custody, the fact that the co-accused from whom recovery has been effected has been extended benefit of bail and the attendant facts and circumstances, this Court is of the considered opinion that a case is made out for release of the petitioner on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

7. In the event of there being any FIR/complaint lodged against



the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**15<sup>th</sup> September, 2025**

*Parveen Sharma*

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*  
: *Yes / No*