



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-63991-2024
Date of decision: 09.07.2025

Sunny Lodhi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manoj R. Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab
assisted by Inspector Inderdeep Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.50 dated 19.08.2024 under Sections 21, 25, 29-61-85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act'), Sections 25, 54, 59 of the Arms Act, 1959 and Sections 336(3), 338, 340(1), 340(2), 61(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station State Special Operations Cell, Amritsar, District Intelligence Wing (CID).

2. Learned counsel for the petitioner submits that although the case at hand stands registered under the NDPS Act and Arms Act, however, no recovery of any narcotic substance was made from the petitioner following his nomination as an accused based on a disclosure statement allegedly suffered by co-accused Digvijay Singh and



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Gurpreet Singh. It has been submitted that as per the case of the prosecution, co-accused Digvijay Singh and Gurpreet Singh were involved in trafficking of drugs and it was the petitioner who was the supplier of the contraband, however, undisputedly no recovery of any contraband was made from either of the two co-accused on whose disclosure statement the petitioner has been arraigned as an accused in the present case. It has been submitted that after the petitioner was arrested on 26.08.2024, no recovery of even any arms and ammunition was made from the petitioner which further demolishes the case of the prosecution qua his role as a supplier of either the contraband or even the arms and ammunition.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed that the petitioner has been in custody since 26.08.2024 and investigation in the present case is complete. It has been further submitted that after the charges were framed on 26.03.2025, none of the 24 prosecution witnesses have been examined.

4. On being pointedly asked, learned State counsel, on instructions, has also not disputed that no recovery of any contraband much less any arms and ammunition was made from the petitioner. He submits that, however, recovery of pistol, 04 live cartridges was made from co-accused Digvijay Singh along with fake passport from the other co-accused.

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



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6. The petitioner has been in custody since 26.08.2024; challan stands presented and so do the charges stand framed. The trial would take considerable time to conclude as prosecution evidence is yet to commence. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. The Trial Court/Duty Magistrate concerned may imposed any additional stringent conditions upon the petitioner as it deems fit so as to ensure the presence of the petitioner on each and every date of hearing before the learned Trial Court.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

09.07.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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