

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:102358



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CRM-M-28847-2025 (O&M)
Date of Decision: 07.08.2025.

Jarnail Singh Cheema

...Petitioner.

Versus

Union of India

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. Rajiv Sharma, Special Public Prosecutor with
Ms. Indu Bala Sharma, Advocate for NCB.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in Crime Case No.6 dated 28.03.2025 under Sections 8, 18 and 29 of NDPS Act, registered at Police Station NCB, Chandigarh.

As per prosecution case, on 28.03.2025, co-accused, namely, Kamal Singh Sodhiya and Govind Singh Sodhiya were found in possession of 1.764 Kgs of opium and the petitioner was nominated as an accused in the present case only on the basis of disclosure statement of co-accused.

Learned counsel for the petitioner contended that name of the petitioner surfaced in the present case only on the basis of disclosure statement of co-accused, which is not admissible in law. The recovery has been effected in the present case from the co-accused Kamal Singh Sodhiya

and Gobind Singh Sodhiya. The alleged recovery of 1.764 kgs of opium falls under the non commercial quantity. He has submitted that the petitioner is having clean antecedents and he is not involved in any other case. He submitted that the petitioner is ready and willing to join the investigation and the present petition be allowed.

Notice was issued in this case on 28.05.2025 and status report was called from the State, which has been filed on 06.06.2025 and the same is taken on record.

Per contra, learned State counsel has opposed the bail application while contending that besides the disclosure statement of co-accused, there is also call detail record to show that the petitioner was in touch with co-accused and he was the supplier of the contraband allegedly recovered from the co-accused in the present case. He has placed reliance upon the judgment of Hon'ble Supreme Court in *State of Haryana Vs. Samarth Kumar, 2022(3), R.C.R. (Criminal) 991*, wherein it has been held that concession of anticipatory bail in a case of this nature is not really warranted and as such he is not entitled to the concession of anticipatory bail.

Heard.

In the present case, during the investigation, co-accused suffered the disclosure statement that the contraband was belonging to the petitioner Jarnail Singh Cheema. In the reply filed by respondent-NCB, it has been alleged that Whatsapp chat between the petitioner and co-accused Kamal Singh Sodhiya clearly establishes the commission of offence by the petitioner. As per Annexure R-2, complaint was filed in the Court of learned Judge, Special Court, under NDPS Act, 1985 at Fategarh Sahib, Punjab,

against the co-accused Kamal Singh Sodhiya and Govind Singh Sodhiya. It has been alleged that the designated delivery point for the seized contraband was the Katani Kalan Flyover, Ludhiana as fixed by the petitioner-Jarnail Singh Cheema. Annexure R-1 appended with the reply reveals that on 28.03.2025, the location of Katani Kalan Flyover and live location has been shared. Thus, it appears that the petitioner had also been indulging in the trafficking of the contraband allegedly recovered in the present case.

So, keeping in view the seriousness of allegations and gravity of the offence allegedly committed by the petitioner, no ground is made out for granting anticipatory bail to the petitioner.

Dismissed.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

(SUKHVINDER KAUR)
JUDGE

07.08.2025.

Komal

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