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

CRM-M-40562-2024 (O&M)

Reserved on : 22.07.2025

Pronounced on : 25.07.2025

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karandeep S. Sidhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 79 dated 13.05.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), at Police Station Special Task Force, Phase 4, Mohali, District SAS Nagar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 13.05.2024, on the basis of secret information, co-accused Harpreet Singh @ Bagga was apprehended by a police party and recovery of 01 kg. of heroin was effected from him. Upon interrogation, he disclosed that the recovered contraband was brought by him from the present petitioner, which he had arranged from some Pakistani smuggler. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 16.05.2024. After completion of necessary investigation and usual formalities,

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challan was presented before the Court on 10.09.2024 and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused, which is not admissible in evidence. The petitioner was neither present at the spot nor any recovery has been effected from him. He has clean antecedents and is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 10.09.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations, the petitioner is not entitled to get benefit of bail. He was constant touch over phone with the co-accused during relevant time. Trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

5. In reply, learned counsel for the petitioner has relied upon an order dated 23.08.2023, passed by the Hon'ble Supreme Court in Special Leave to appeal (Crl.) No. 6599/2023, titled as ***Ajmal T. A. @ Kuru vs. State of Kerala***, whereby in similar circumstances, the petitioner-accused had been granted concession of regular bail by observing that there was remote likelihood of the

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petitioner’s involvement as the alleged involvement was entirely based upon the co-accused’s statement and alleged call details record.

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

7. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused. Subsequent to his arrest, no recovery is shown to have been effected from him. He has clean antecedents and is not involved in any other case. He is in custody since 10.09.2024. Conclusion of trial is likely to take time. Keeping in view the aforesaid facts and circumstances, 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.

8. 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.

25.07.2025

Wasim Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No