



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CRM-M-6396-2025
Decided on : 29.07.2025

SUKHDEV SINGH ALIAS SUKHA

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Abhaysher Singh, Advocate,
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sukhdev Singh @ Sukha	129	08.07.2024	15(C) of NDPS Act, 1985 (S. 61/85 of NDPS Act, added later on)	Sadar Sri Muktsar Sahib	Sri Muktsar Sahib

2. Learned counsel for the petitioner submits that the alleged recovery in the present case was effected from the *diggi* of a car bearing registration No. DL-4CAQ-7523, which was being driven by the petitioner, Sukhdev Singh. It is contended that, even though the petitioner was driving the vehicle, he cannot be presumed to have prior knowledge of the



contraband lying in the *diggi*. Therefore, the question of whether the petitioner was in conscious possession of the recovered contraband, i.e. 85 kg of poppy husk, is a matter to be adjudicated at the stage of trial by learned Trial Court.

3. Counsel for the petitioner produces copy of the order dated 24.07.2025 passed in CRM-M-63842-2024, whereby co-accused of the petitioner namely Gurnam Singh alias Gamma, was granted the concession of regular bail by this Court. Said order is taken on record.

4. Counsel for the petitioner further submits that certain submissions made in that order dated 24.07.2025, are relevant and applicable to the present matter, as well.

Reference is made to paragraph No.3 of the aforesaid order, which is reproduced here below, for reference:-

3. *Learned counsel for the petitioner also argues that petitioner is inside jail since 08.07.2024, i.e., for a period of more than 01 year, and out of total 25 prosecution witnesses, none has been examined so far. Thus, trial is not likely to conclude in the near future. Besides, he refers to the order dated 09.07.2024, passed by learned JMIC, Sri Muktsar Sahib, whereby, case property, i.e., five gunny bags containing poppy-husk, were produced before the learned Magistrate and thereon only two samples were drawn from two gunny bags. Thus, there would be a question at the end of the trial, whether whole of the recovery, which has been effected from the diggi of the car, would be considered as case property being contraband value under the NDPS Act or only two gunny bags from which the samples have been drawn.*

He also informs the Court that petitioner is never found involved under the NDPS Act for effecting recovery of



any synthetic drug etc. However, he admits that there is one more case of similar nature, wherein, 3 kg of poppy-husk was allegedly recovered, has been registered against the petitioner. However, in that case, he is already on bail, pending trial. Thus, he prays for concession of regular bail for the petitioner.”

5. Counsel for the petitioner also points out that petitioner has no prior involvement under the NDPS Act, particularly with respect to the recovery of any synthetic drug. Hence, he prays for the grant of regular bail.

6. On the other hand, learned State counsel has filed status report dated 28.07.2025 and custody certificate dated 26.07.2025, in Court today, which are taken on record. Registry is directed to tag the same at the appropriate place on the file.

A copy thereof has been handed over to the counsel for the petitioner.

7. While vehemently opposing the prayer for bail, learned State counsel submits that quantity of the contraband recovered in the present case falls under the category of ‘commercial quantity’. However, he does not dispute the factual position regarding the petitioner’s custody or the status of the trial. Notably, he is unable to offer any plausible explanation for the delay in proceedings, as none of the 25 cited prosecution witnesses have been examined, till date.

8. Heard the submissions addressed by counsel for the parties.

9. Taking into consideration the submissions made by counsel for the parties and the circumstances, as noticed here above, particularly the fact that co-accused, Gurnam Singh alias Gamma, has already been granted the concession of regular bail, this Court finds it appropriate to consider the



petitioner's request for bail, as liberty of the petitioner cannot be curtailed for an indefinite period, especially when the trial is at halt, despite presentation of the *challan* on 03.01.2025.

10. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

13. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

14. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 29, 2025

Lavisha

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No