



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

**CRM-M No.8645 of 2025 (O&M)
Date of decision: 20.05.2025**

Sunil Kumar @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

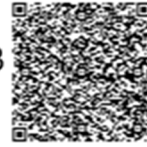
CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Arjun Veer Sharma, Advocate for the petitioner.

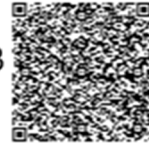
Mr. Deepender Singh, Additional Advocate General, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) [Section 439 of the Code of Criminal Procedure, 1973 (*for short 'Cr.P.C.'*)] for grant of bail pending trial to the petitioner in FIR No.121 dated 07.08.2024 (P-1), under Sections 29 & 59(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), Section 111 of the Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) [Section 308(3) of BNS added later on], registered at Police Station Special Task Force, District Mohali.



- (2) Custody Certificate dated 19.05.2025 of the petitioner has been produced and which is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.
- (3) Allegations are that petitioner, in connivance with other co-accused, used to get his share as drug money from peddlers by helping them in illegal selling of drugs.
- (4) Contends that petitioner is in custody since 21.08.2024 and no amount has been transferred by the petitioner in the account of co-accused, namely, Shishan Kumar Mittal, Drug Inspector; nor he has received any money as alleged by the prosecution. Vehemently contends that there is no recovery of any contraband from the petitioner. Lastly contends that report under Section 193 of BNSS was presented on 14.11.2024 and charges are yet to be considered; thus, trial will take sufficient long time.
- (5) Learned State Counsel, on instructions from quarter concerned; opposed the prayer on the premise that petitioner is facing three other criminal cases and apart that, he is a previous convict in four criminal cases; but candidly acknowledged that in this case, no contraband has been recovered from anyone till date. Further submitted that allegations are serious in nature and there is a big nexus of drug peddlers; hence, petitioner does not deserve the concession of bail pending trial.
- (6) While refuting the submissions of State, learned Counsel for the petitioner further contends that although petitioner is a previous convict in



four cases (two under the NDPS Act and remaining two under the Prisons Act); but in three cases, he has already undergone the entire sentence.

(7) Heard learned Counsel for the parties and perused the paper-book.

(8) On repeated asking of the Court, learned State Counsel is not able to answer as to what offence under the NDPS Act would be made out against the petitioner when there is no recovery of contraband in this case from anyone.

(8.1) It is not in dispute that petitioner is in custody since 21.08.2024; report under Section 193 of BNSS was presented on 14.11.2024 and charges are yet to be considered; thus, trial will take sufficient long time.

(8.2) Concededly, no contraband has been recovered in the present case, therefore, mere disclosure would not be a ground to decline bail pending trial to petitioner; thus, *prima facie*, it is very difficult to comprehend that any offence is made out against him under Section 29 of the NDPS Act.

(8.3) Moreover, it is not the objection raised by learned State Counsel that in case petitioner is released on bail, he may influence the prosecution witnesses and/or hamper the trial.

(9) In view of the above, there is no justification to prolong the incarceration of petitioner any further.

(10) Consequently, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the



satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(11) Petitioner shall fully co-operate with learned Special Court without seeking any unnecessary adjournments.

(12) The above observations be not construed as an expression of opinion on the merits of case.

(13) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

20th May, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>