

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

204

CRM-M-28853-2021(O&M)

Date of decision: 30.03.2022

KULDEEP KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Mikhail Kad, Advocate
for the petitioner.

Ms. A.K. Khurana, DAG Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.60 dated 03.04.2021 under Sections 22 and 29 of the NDPS Act registered at Police Station City 1 Sangrur, District Sangrur.

Learned counsel for the petitioner submits that the FIR in question had been registered against Chand Khan @ Chand and Dharma Singh @ Dharma co-accused and 27000 tablets of Alprasafe 0.50 were recovered from their conscious possession. It is submitted that the petitioner had been nominated as an accused on the basis of disclosure statement of Dharma Singh. Even though the petitioner was thereafter arrested in the aforesaid case, however, no recovery of any nature whatsoever had been effected from the person or premises of the petitioner. He submits that the petitioner is in custody since 09.04.2021 and a final report has already been filed, however, charge against the petitioner has not yet been framed. Further reference has been made to the averment contained in the reply filed by way of affidavit of Palwinder Singh, PPS, DSP, Sub Division

Sangrur, wherein the aforesaid fact is noticed. Learned counsel also points out that the co-accused Ramandeep Kaur, against whom similar allegations had been attributed had been extended the concession of pre-arrest bail in CRM-M-19877 of 2021 vide order dated 19.07.2021 and a similar concession also stands extended to co-accused Bhinder Kaur vide dated 11.03.2022 passed in CRM-M-32489 of 2021.

Ms. A.K. Khurana, learned DAG Punjab opposes the petition and submits that there are call details between the main accused Dharma Singh and the petitioner on as many as 30 occasions and as such there is ample evidence to connect that the petitioner was involved in the case. She further submits that as per the disclosure statement of co-accused Dharma Singh, the contraband was also purchased by the petitioner from the said co-accused on as many as 03 occasions. She, however, could not controvert the fact that no recovery pursuant to the arrest of the petitioner had been effected. She also could not controvert the fact that the role of the petitioner would be at par with the case of Bhinder Kaur and Ramandeep Kaur is concerned. It is also not disputed by her that the charge in the case has not yet been framed and that the trial has not commenced.

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

Taking into consideration the circumstances as noticed above and the fact that no recovery has been effected from the petitioner; he was nominated as accused on the basis of disclosure made by co-accused; other similarly situated co-accused had been extended the concession of anticipatory bail by this Court and also the stage of trial along with actual custody of more than 11 months, I deem it appropriate to allow the instant petition and to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is

admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, Sangrur.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

March 30, 2022
S.Sharma(syr)

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