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

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**CRM-M-39775-2022 (O&M)  
Date of Decision: 09.11.2022**

Meet @ Maheer ..... Petitioner  
Versus

State of Punjab ..... Respondent

**CRM-M-36055-2022**

Kulwinder Singh ..... Petitioner

Versus

State of Punjab ..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. G.S. Sandhu, Advocate,  
for the petitioner in CRM-M-39775-2022.

Mr. Sandeep Godara, Advocate,  
for the petitioner in CRM-M-36055-2022.

Mr. Kunal Vinayak, AAG, Punjab.

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**JASGURPREET SINGH PURI, J. (ORAL)**

Status report in CRM-M-36055-2022 by way of affidavit of  
Deputy Superintendent of Police, Sub Division, Sri Muktsar Sahib on behalf  
of the respondent/State, which is taken on record.

Copy of the same has been supplied to both the learned  
counsels for the petitioners.

Both petitions have been filed under Section 439 of the Code of  
Criminal Procedure for grant of regular bail to the petitioners and are being  
taken up together for final disposal with the consent of the learned counsels

for the petitioners, since both the petitions arise out of the same FIR bearing No.0131 dated 12.07.2022, under Section 29 of the NDPS Act, 1985 and Section 52-A of the Prisons Act, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsels for both the petitioners have submitted that both the petitioners are in custody since 12.07.2022, which is almost 4 months. They have further submitted that the investigation of the case has been completed and thereafter, challan has been presented before the competent Court and even charges have also been framed. Both the learned counsels have argued that it is a case where the allegations against both the petitioners were that there was one convict, namely, Vipin Kumar, who was in jail and he made a telephone call to his own wife for arranging 70 intoxicant tablets for the purpose of consumption, and thereafter, his wife made a disclosure statement that she had further connected the call to the petitioner-Meet @ Maheer. So far as the petitioner, namely, Kulwinder Singh is concerned, he was an employee of the jail and was working as Jail Warden. Learned counsels for the petitioners have also submitted that the FIR has been lodged under Section 29 of the NDPS Act and Section 52-A of the Prisons Act but there has been no recovery whatsoever in the present case from anybody. They have further submitted that the rigor of Section 37 of the NDPS Act will not apply in the present case in view of the aforesaid facts and circumstances. They have also submitted that both the petitioners are not involved in any other case except that the Kulwinder Singh is also involved in one more case under Section 409 of the IPC. They have further submitted that in the absence of recovery of any contraband from anybody

and on the basis of the allegations that the convict had talked to his own wife, who further connected the phone call to one of the petitioner, is based upon the total conjectures and surmises, and therefore, have prayed for the grant of regular bail to the petitioners.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that it is correct that both the petitioners are in custody since 12.07.2022. He further submitted on instructions from ASI Balwant Singh that both the petitioners are not involved in any other case except that Kulwinder Singh is also involved in one more case under Section 409 of the IPC and now the charges have been framed by the learned Trial Court and also submitted that the allegations were pertaining to making a phone call by the convict to his own wife and there has been no recovery whatsoever from anybody.

I have heard the learned counsel for the parties.

It is a case where admittedly there was no recovery from anybody. The allegations were only with regard to making a phone call by the convict to his own wife who further connected the phone call to one of the petitioner and the FIR has been lodged under Section 29 of the NDPS Act and Section 52-A of the Prisons Act. As per learned counsel for the parties, there is no recovery from anybody and therefore, the rigor of Section 37 of the NDPS Act will not apply in the present case in view of the aforesaid facts and circumstances. The investigation of the case has already been completed and it is not the case of the State that in case the petitioners are released on bail then they may abscond or flee from justice or may influence any witness or may repeat the offence. Therefore, this Court

deems it fit and proper to grant bail to both the petitioners.

Consequently, both the petitions are allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

**09.11.2022**

*Bhumika*

**(JASGURPREET SINGH PURI)  
JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes    |
| 2. Whether reportable:        | Yes/No |