

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-36365 of 2022
Date of decision:27.02.2023

Kulwant Singh @ Kanta

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.182 dated 04.11.2020 registered under Sections 21, 22(c), 23, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act, 1959 at Police Station City Jalalabad, District Fazilka (Annexure P-1).

Counsel for the petitioner submits that FIR (Annexure P-1) has been registered against the petitioner on the allegation that recovery of 120 grams of heroin and drug money of Rs.60,000/- has been effected on the search of an un-numbered car, which he was driving. Counsel submits that previous petition seeking grant of regular bail (CRM-M-22682 of 2021) was rejected by this Court, vide order dated 26.10.2021 as the petitioner had

failed to disclose his criminal antecedents. As per the counsel, petitioner is alleged to be involved in 09 other criminal cases, details of which are as under:-

- (i) FIR No.365 dated 26.12.2017 under Section 22 of the NDPS Act, registered at Police Station Sadar, Ferozepur.
- (ii) FIR No.06 dated 27.05.2018 under Section 21 of the NDPS Act, registered at Police Station Arifke.
- (iii) FIR No.93 dated 16.06.2002 under Section 21 of the NDPS Act, registered at Police Station Mallanwala, District Ferozepur.
- (iv) FIR No.120 dated 19.07.2003 under Section 406, IPC, registered at Police Station Mallanwala, District Ferozepur.
- (v) FIR No.40 dated 07.03.2004 under Section 379, registered at Police Station City, Ferozepur.
- (vi) FIR No.30 dated 16.02.2005 under Section 15 of the NDPS Act, registered at Police Station Mallanwala, District Ferozepur.
- (vii) FIR No.51 dated 06.04.2006 under Section 21 of the NDPS Act, registered at Police Station Mamdot, District Ferozepur.
- (viii) FIR No.176 under Sections 21 of the NDPS Act, registered at Police Station City, Ferozepur.
- (ix) FIR No.16 dated 04.02.2010 under Sections 323, 148 and 149, registered at Police Station Mallanwala, District

Ferozepur.

Counsel submits that insofar as FIR at serial numbers (iii), (vi) and (ix) are concerned, petitioner has been acquitted. A categorical assertion has been made by the counsel that the petitioner is not an accused in FIR No.176 dated 13.09.2007 mentioned at serial number (viii) above. Counsel submits that as the recovery allegedly effected from the petitioner is of intermediate quantity and the petitioner, who has been languishing behind bars since 11.11.2020, deserves to be enlarged on bail.

Per contra, upon instructions from ASI Amrik Singh, State counsel submits that the petitioner was travelling with Gurbhej Singh @ Bhej, who was also arrested and on the basis of his disclosure statement, 3.846 kgs of heroin, one pistol and drug money was recovered. As per his instructions, 03 out of 20 prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, noticing the quantity of contraband allegedly recovered from the petitioner, length of custody of more than 27 months and the stage of trial, this Court is inclined to accept the prayer made in the petition.

Without adverting to the merits or demerits of the arguments addressed, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

While being released on bail, petitioner shall furnish an undertaking by way of an affidavit to the effect that henceforth, he will not get involved in any criminal activity. In case, he violates the undertaking,

State shall be at liberty to seek cancellation of the bail. It is further ordered that the petitioner will report at the Police Station concerned on first Monday of every month as well as provide his mobile number, which he will keep active throughout, to the Investigating Officer/SHO concerned, who will keep a check on his activity by making random calls.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 27, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes