

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

239

2023:PHHC:161307

CRM-M-61834-2023

Date of decision: December 14th, 2023

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek Singla, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl.A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The present petition has been filed by the petitioner for grant of regular bail in FIR No.26 dated 23.08.2023 under Section 25 of Arms Act, Section 109, 115, 120 of Indian Penal Code, 1860 and Sections 21, 25, 29, 61 of NDPS Act, 1985 (added later on) registered at Police Station State Special Operations Cell, Amritsar, District Intelligence Wing (CID).

2. Learned counsel for the petitioner submits that the petitioner's false implication in the case in hand is evident from the fact that he has clean antecedents as he is not involved in any other criminal case much less under the NDPS Act or under the Arms Act. It has been further submitted that the petitioner has been nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused who in turn had been nominated as an accused in the disclosure statement allegedly suffered by the prime accused Prince Singh and Manpreet Singh. It has also been submitted that the alleged recovery of 280 gram of heroine was not even effected from any of the

forementioned three accused i.e. Sheru, Prince and Manpreet but from

the fourth person by the name of Prince. Learned counsel submits that after the petitioner was arrested on 23.09.2023, recovery of one pistol alongwith five live cartridges was shown to have been effected from him. Learned counsel has also further submitted that case of the petitioner is on a better pedestal as compared to co-accused Sheru, who has already been extended the concession of bail by the trial Court. Learned counsel thus, prays for being enlarged on bail as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel has opposed the prayer and submissions made by the learned counsel for the petitioner but has not been able to dispute that no recovery of any contraband much less heroin was effected from the petitioner. It has also not been disputed that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act. It has also not been disputed that co-accused Sheru has been extended the concession of bail.

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

5. The petitioner has been in custody since 23.09.2023. The trial is unlikely to conclude in the near future as even the prosecution evidence has not commenced. Moreover, no contraband/narcotic substance has been recovered from the petitioner.

6. In the facts and circumstances as enumerated hereinabove, coupled with the fact that co-accused on whose disclosure statement the petitioner came to be nominated as an accused in the case in hand, has

already been extended the concession of bail, this Court deems it appropriate to allow the instant petition.

7. Accordingly, the instant petition is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

December 14th, 2023

ps

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No