



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

CRM-M No.12631 of 2024
Date of decision: 11th July, 2024

Falwinder Singh @ Fulwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Saini, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.09 dated 26.01.2024 under Section 25 of the Arms Act, 1959 (Section 120-B IPC and Sections 21, 27-A, 29 of the NDPS Act added later on) registered at Police Station State Special Operation Cell (SSOC), District Amritsar.

2. Learned counsel for the petitioner submits that he has been in custody since 28.01.2024; the petitioner was not named in the secret information received by the police and it was co-accused Jobanjeet Singh and Gursewak Singh who had been named in the secret information; pursuant to the secret information, both the co-accused Jobanjeet Singh and Gursewak Singh were apprehended and recovery of 375 grams of Heroin along with fire-arm and other ammunition was



affected from them. Learned counsel submits that the petitioner has clean antecedents as he is not involved in any other criminal case much less under NDPS Act, which clearly hints towards his false implication in the present case. It has also been asserted by the learned counsel that evidentiary value of the disclosure statement, pursuant to which the petitioner was named as an accused in the case at hand, is of a very weak nature.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Karnail Singh, has not been able to dispute that the petitioner was not apprehended at the spot nor was he accompanying the co-accused, from whom the alleged recoveries were affected. However, it has been submitted that after the petitioner was arrested following his name surfacing in the disclosure statement allegedly suffered by co-accused, though no recovery of any contraband was affected, however, recovery of firearm along with ammunition was affected from him.

4. On a pointed query put to the learned State counsel, he, on instructions, has conceded that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act.

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



6. The petitioner is not stated to be involved in any other criminal case. He has now been in custody since 28.01.2024 and in the facts and circumstances as enumerated hereinabove, there is no likelihood of the trial concluding in the near future as challan has not been presented yet. This Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

7. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

July 11, 2024
rps

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