

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-13950-2024 (O&M)
Date of Decision:- 29.07.2024

KULVIR SINGH ALIAS KULVIRA

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Amaninder Preet, Advocate for the petitioner.

Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
85	17.12.2022	22 of the NDPS Act (29 NDPS Act added later on)	Sehna, District Barnala

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He contends that the petitioner has no concern whatsoever with the alleged transaction. He further contends that the petitioner was not named in the FIR but was nominated in the alleged disclosure statement made by co-accused Gurpreet Singh. He submits that the petitioner was arrested on 14.10.2023



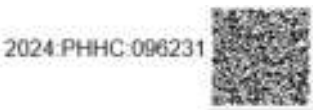
and no recovery has been effected from him. Learned counsel has also assailed the evidentiary value of the alleged disclosure statement and prays for grant of regular bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply submitted by the State has opposed the petition and submits that the petitioner has been nominated on the basis of disclosure statement made by co-accused Gurpreet Singh from whom 1140 loose intoxicant tablets containing Alprazolam were recovered. He has, however, not disputed the factual matrix and submitted that the challan has been presented in Court and the prosecution has cited 15 witnesses.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the instant case was registered consequent upon apprehension of co-accused Gurpreet Singh from whose possession 1140 loose intoxicant tablets containing Alprazolam were recovered. During his interrogation, co-accused Gurpreet Singh made a disclosure statement naming the present petitioner to be one of the supplier. Consequently, the petitioner was arrested on 14.10.2023, however, no recovery was effected from him. There is nothing on record to connect the petitioner with the alleged recovery except from the aforesaid disclosure statement of co-accused Gurpreet Singh. After the completion of investigation, challan has already been presented in Court, wherein, the prosecution has cited 15 witnesses and till date none has been examined by the learned trial Court.

The conclusion of trial to ascertain the criminal liability, if any, of the



petitioner, will take sufficient long time and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

29.07.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No