

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

CRM-M-18337-2024

Date of Decision:-01.08.2024

Kulvir Singh @ Giani.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Karandeep Singh Sidhu, Advocate for the Petitioner.

Mr. Prabhdeep Singh Dhaliwal, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

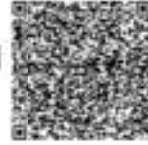
The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.149 dated 31.05.2021 under Sections 22 of the NDPS Act and Sections 15, 15C, 22C, 29 of the NDPS Act added later on registered at Police Station Sadar Fazilka, District Fazilka.

2. The present FIR came to be registered on the basis of secret information received by the police to the effect that one Gurcharan Singh @ Channu indulges in sale of intoxicant tablets. Pursuant to receipt of the said information, Gurcharan Singh @ Channu was arrested by the police and as many as 1050 intoxicant tablets were recovered from him. The said recovered tablets were found to contain "Tramadol". It is further the case of the prosecution that during the course of interrogation the said Gurcharan Singh @ Channu disclosed that he had procured the said tablets from Ravinder Singh @ Ravi. Upon arrest of the said Ravinder Singh @ Ravi, 115350 intoxicant tablets apart from 51Kgs of poppy husk and a cash amount of Rs.1.77 lacs was recovered. On interrogation of



Ravinder Singh @ Ravi he disclosed that he along with his father Mang Singh (granted bail vide order dated 06.12.2021 in CRM-M-50270-2021) and his brother Bittu @ Sukhwinder Singh (since granted bail by Hon'ble Supreme Court in Crl Appeal No.1204 of 2024 Arising out of SLP (Crl No.883 of 2024 Decided on 26.02.2024) used to purchase the contraband from Kulbir Singh @ Giani (petitioner)

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. He contends that the name of the petitioner figured in the disclosure statement of his co-accused, namely, Ravinder @ Ravi. Pursuant to his arrest, no recovery whatsoever had been effected. Reliance is placed on the judgments in the cases of Tofan Singh Versus State of Tamil Nadu, 2020 AIR (Supreme Court) 5592, Rakesh Kumar Singla Versus Union of India, 2021(1) RCR (Criminal) 704, Surinder Kumar Khanna Versus Intelligence Officer Directorate of Revenue Intelligence, 2018(3) RCR (Criminal) 954, State by (NCB) Bengaluru Versus Pallulabid Ahmad Arimutta & Anr. 2022(1) RCR (Criminal) 762, Sanjeev Chandra Agarwal & Anr. Versus Union of India 2021(4) RCR (Criminal) 590, Vijay Singh Versus The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s).1266/2023 decided on 17.05.2023, State of Haryana versus Samarth Kumar 2022 (3) RCR (Criminal) 991 and Vikrant Singh Versus State of Punjab, CRM-M-39657- 2020.”, wherein it has been held that the accused can be granted the concession of regular bail where he has been named in the disclosure statement of his co-accused and there is no other corroborative evidence against the accused. As the petitioner was in custody since 20.08.2022 and only 02 out of 19 prosecution witnesses had been examined so far, he was entitled to the concession of bail, even though he was an undertrial in 03 cases arising out of FIR No.177 dated 22.12.2016 under Section 15/61/85 NDPS Act P.S. Sadar, Fazilka, FIR No.73 dated 07.07.2019 under Sections 15/61/85 NDPS Act P.S. Khui Khera and FIR No. 65 dated 27.07.2022 under Sections 22/61/85 of NDPS Act P.S. Khui Khera and a convict in case



arising out of FIR No.64 dated 07.07.2012 under Sections 15/61/85 of NDPS Act P.S. Sadar, Abohar, more so when his co-accused, namely, Mangh Singh had been granted the concession of regular bail vide order 06.12.2021 passed in CRM-M-50270-2021(O&M) even though there were two other cases bearing FIR No.86 dated 17.10.2022 under Section 15/18/29/61/85 NDPS Act P.S. City 2 Abohar and FIR No.75 dated 26.05.2022 under Section 22 C/29/61/85 NDPS Act P.S. Kabarwala pending against him and co-accused Bittu @ Sukhwinder had been granted bail by the Hon'ble Supreme Court though there were 02 other cases pending against him.

4. The learned counsel for the respondent-State, on the other hand, contends that in view of the serious allegations levelled against the petitioner, he was not entitled to the grant of bail. He was an accused in three other cases bearing FIR No.177 dated 22.12.2016 under Section 15/61/85 NDPS Act P.S. Sadar, Fazilka, FIR No.73 dated 07.07.2019 under Sections 15/61/85 NDPS Act P.S. Khui Khera and FIR No. 65 dated 27.07.2022 under Sections 22/61/85 of NDPS Act P.S. Khui Khera and a convict in FIR No.64 dated 07.07.2012 under Sections 15/61/85 of NDPS Act P.S. Sadar, Abohar. He, however, concedes that the petitioner had been named in the disclosure statement, was in custody since 20.08.2022, 02 out of 19 prosecution witnesses have been examined so far as also the fact that co-accused, namely, Mangh Singh had been granted the concession of regular bail by this Court and Bittu @ Sukhwinder by the Hon'ble Supreme Court.

5. I have heard the learned counsel for both the parties at length.

6. Keeping in view the peculiar facts and circumstances of the case particularly with respect to the grant of bail to a similarly situated co-accused Bittu @ Sukhwinder by the Hon'ble Supreme Court and the fact that the petitioner is in custody since 20.08.2022 but only 02 of the 19 Pws had been examined so far, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, **Kulvir Singh @ Giani** son of Sh.



Sunder Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8.

The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the present case.
9.

In addition, the petitioner (or anyone else on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
10.

The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

August 01, 2024

Vinay

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