



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112+224

CRM-31272-2024 in/and
CRM-M-24804-2024
Date of decision: September 23rd, 2024

Kulwinder Singh @ Ghoki

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-31272-2024

Prayer in this application is for placing on record order dated 15.09.2023 passed by learned Judge Special Court, Patiala-1, as Annexure A-1 and for exemption from filing the certified/typed copy of the same.

Application is allowed subject to just exceptions.

Annexure A-1 is taken on record.

Exemption, as prayed for, is granted.

CRM-M-24804-2024

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.59 dated 05.05.2021 under Sections 22, 25, 27, 29 of the NDPS Act, 1985 and Section 201 of the IPC, registered at Police Station STF Phase IV Mohali.



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2. On 17.07.2024, following submissions of learned counsel for the petitioner were recorded:-

“Learned counsel for the petitioner, inter alia contends that the petitioner has been falsely implicated in the present case on the basis of an affidavit wherein it stands reflected that the petitioner was the registered owner of the car from which recovery of 180000 tablets of tramadol weighing approximately 660 kg was effected pursuant to a secret information received qua co-accused Balwinder Singh. Learned counsel for the petitioner has submitted that firstly, the petitioner was not named in the secret information and secondly, the affidavit on the basis of which the petitioner has been implicated in the present case, is in fact a forged and fabricated document. Learned counsel has further submitted that the petitioner has no criminal antecedents much less being involved in any case under the NDPS Act which further lends substance to his false implication in the present case. A prayer is therefore made by learned counsel that since trial is unlikely to conclude in near future as only 09 prosecution witnesses out of 18 cited, have been examined till date, his further incarceration would serve no useful purpose as he has now been in custody for the last more than 1 year after having been arrested on 06.06.2023.”

3. Learned State counsel, while opposing the prayer and submissions made by counsel opposite, has submitted that although no secret information was received qua the petitioner, however, after co-accused Balwinder Singh was apprehended with huge contraband, investigation was carried out and it came to light that the vehicle in which co-accused Balwinder Singh was travelling was in the name of one Pushpa Rani, who had further sold it to a person, Ravi, who in turn



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had sold it to the petitioner. It has also been asserted by the learned State counsel that in fact, the petitioner is actively involved in drug trafficking as enough documentary evidence, including CCTV footage, as well as tower location of the mobile phones of the accused-petitioner has been collected wherein it stands reflected that two cars, including the car in which contraband was being transported as well as another car in which the petitioner was seated, had commenced their journey together from Ghaziabad. At the relevant time when the co-accused Balwinder Singh, was apprehended, the petitioner was present in the car, which was piloting the car of co-accused Balwinder Singh. Learned State counsel has also vehemently controverted the submissions made by the opposite counsel that the petitioner has no previous criminal antecedents. It has been submitted that the petitioner has previously been involved in a case of NDPS Act. A prayer has, therefore, been made for dismissal of the instant petition.

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

6. No doubt, the petitioner has been in custody for more than one year, having been arrested on 06.06.2021, however, the vehicle from which the huge recovery of contraband was affected, belongs to the petitioner. The trial has been delayed on account of presentation of supplementary challan against the petitioner. However, now prosecution evidence is underway and the case is fixed for today before the trial



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Court when some witnesses have been summoned to record their evidence.

7. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition stands dismissed.

8. 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.

9. At this stage, a prayer has been made by the learned counsel for the petitioner for directing the trial Court to conclude the trial expeditiously in view of the long incarceration of the petitioner.

10. Direction has already been issued to the trial Court to conclude the trial expeditiously, preferably on or before 31.12.2024 in CRM-M-19844-2024.

September 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No