

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

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**2024:PHHC:012647  
CRM-M-44342-2023  
Date of decision: January 30, 2024**

BALWINDER SINGH @ BITTU ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. P.S. Sekhon, Advocate  
for the petitioner.  
  
Mr. Mohit Kapoor, Additional Advocate General, Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.56 dated 26.04.2023 (Annexure P-1) under Sections 15, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Moonak, District Sangrur.
2. Learned counsel for the petitioner *inter alia* contends that undisputedly, secret information was received only *qua* the involvement of the co-accused Pargat Singh (driver of the truck) and Mohan Singh (conductor of the truck) that they had been indulging in the sale and purchase of poppy husk, however, it is also a matter of record that when the truck, driven by co-accused Pargat Singh, was intercepted pursuant to the receipt of secret information, the petitioner was not found at the spot nor was he in the near vicinity of the barricade, which had been raised by the police. Learned counsel has submitted that the petitioner was later nominated as an accused on the basis of a disclosure statement suffered by co-accused Pargat Singh and Mohan Singh, who stated

that the truck from which the recovery was effected, belonged to the petitioner and the contraband was being transported on his behalf.

3. Learned counsel submits that firstly, such disclosure statement, on the basis of which, the petitioner has been nominated as an accused, has very weak evidentiary value, coupled with the fact that the petitioner has clean antecedents as he is not involved in any case under the NDPS Act. Learned counsel has further submitted that when the petitioner was arrested on 20.05.2023, no recovery of any contraband, much less poppy husk, was effected from him, which further lent credence to his false implication in the case in hand. Learned counsel has submitted that investigation in the case in hand is complete as not only challan stands presented, but even charges have been framed, however, none of the 17 prosecution witnesses have been examined so far, hence, the trial would take considerable time to conclude.

4. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the learned counsel for the petitioner, on instructions, has not disputed the factual aspect of the role attributed to the petitioner. It has also not been disputed, on instructions, that the petitioner has clean antecedents as he is not involved in any other criminal case, much less under the NDPS Act, however, learned counsel has submitted that the truck from which the alleged recovery of 3 quintals of poppy husk was effected, was owned by the petitioner and both the co-accused were his employees. Learned State counsel has further submitted that during investigation, the co-accused suffered a disclosure statement that the recovered contraband had been procured from the State of Madhya Pradesh on the directions of the present petitioner and thereafter, it was being transported along with bags of onions in the truck. Learned State counsel

has still further submitted that the next date fixed before the trial Court in 27.02.2024, when the prosecution evidence is likely to commence.

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

6. As not disputed by the learned State counsel, the petitioner came to be nominated as an accused in the disclosure statement suffered by the co-accused, coupled with the fact that secret information was received only *qua* the co-accused Pargat Singh and Mohan Singh. Still further, the petitioner is not stated to be involved in any other case under the NDPS Act nor was any recovery of any contraband effected from him on his arrest on 25.05.2023.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner as the trial would take considerable time to conclude. The petition as such is allowed; the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate.

7. 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 add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

**January 30, 2024**  
*Jaspreet Kaur*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No