



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

224-3

CRM-M-60109-2023

Date of decision: 05.08.2024

KULWANT SINGH

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arnav Ghai, Advocate, for the petitioner.

Mr.Jasdev Singh Gill, Addl.A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.32 dated 14.09.2023 under Sections 21, 23-C, 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 21(c), 27-A, 61, 85 of NDPS Act and Sections 42 and 52-A of Prisoner's Act added later on), registered at Police Station Special Operation Cell (Intelligence Wing, CID), District Amritsar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 14.09.2023; he came to be nominated as an accused in the second disclosure statement allegedly suffered by co-accused Gurpreet Singh and Gurlal Singh, who too had been nominated as an accused in the disclosure statements made by co-accused Gurmeet Singh, Angrej Singh and Balwinder Singh qua whom a secret information had been received by the police. Learned counsel submits that the disclosure statement, on the basis of which, the petitioner has been nominated as an accused in the present case has very weak evidentiary



value and it requires to be appreciated in the wake of the petitioner not being involved in any other case under the NDPS Act. It has also been submitted that even in the alleged disclosure statement, on the basis of which the petitioner was nominated as an accused in the present case, the only role attributed to him is of having referred the two co-accused, Gurpreet Singh and Gurlal Singh, to co-accused Dara Singh. Learned counsel submits that since the challan in the present case has been presented and charges also framed, further incarceration of the petitioner in the aforementioned facts and circumstances, would serve no useful purpose as none of the 31 prosecution witnesses cited by the prosecution have been examined so far.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Nivrit Pal Singh, has not been able to controvert that no secret information was received regarding the involvement of the petitioner in drug trafficking. Furthermore, even in the disclosure statement allegedly suffered by co-accused Gurpreet Singh and Gurlal Singh, there were no allegations levelled qua the petitioner being supplier of the recovered contraband, and rather the only role attributed to him was of having referred the two co-accused to one Dara Singh.

On a pointed query put to the learned State counsel as to whether any recovery of contraband was affected from the petitioner pursuant to his arrest on 14.09.2023, learned State counsel, on instructions



CRM-M-60109-2023

-3-

has replied in the negative. On a further query, learned State counsel has not disputed that the petitioner is not facing trial in any case under the NDPS Act.

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

5. The petitioner has now been in custody for almost ten and a half months having been arrested on 14.09.2023. There is no likelihood of the trial concluding in the near future as none of the 31 witnesses cited by the prosecution have been examined till date.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 05, 2024

poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No