



CRM-M-59540-2024

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**251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-59540-2024
Decided on : 03.12.2024

Kamaljit Singh @ Kamal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Rajdeep Gill, Advocate with
Ms. Nidhi, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.200 dated 24.09.2022 under Sections 22 and 29 of NDPS Act, 1985 registered at Police Station Sadar Dhuri District Sangrur.

2. Learned counsel for the petitioner contends that the FIR in question came into being on 24.09.2022 and even as per the case of the prosecution, the petitioner was not accompanying the co-accused Satwant Singh from whom the alleged recovery of 1500 tablets of Tramadol was made. Learned counsel has submitted that the petitioner has been nominated as an accused in the present case on the basis of a disclosure statement allegedly suffered by co-



accused Satwant Singh; the said disclosure statement was purportedly suffered soon after the co-accused was arrested. In the preceding two years after the alleged disclosure statement was suffered, neither the petitioner was challaned nor was any proceeding against the petitioner initiated under Section 82 Cr.PC, which left no manner of doubt that the petitioner, even as per the prosecution, was innocent and had no role to play in drug trafficking. Learned counsel has further submitted that when the petitioner was arrested on 31.08.2024, no recovery of any contraband much less Tramadol was affected from his possession or even pursuant to any disclosure statement made by the petitioner, which also lent credence to the petitioner's false implication in the present case. Learned counsel has also submitted that co-accused Satwant Singh has since been extended the concession of bail by this Court vide order dated 04.03.2024 (Annexure P-2). A prayer, therefore, has been made that the petitioner also deserves to be extended the concession of bail, more so, when investigation qua the petitioner in the present case is complete and challan stands presented.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Tarsem Singh, has not disputed that the petitioner was nominated as an accused pursuant to a disclosure statement allegedly suffered by co-accused Satwant Singh. However, it has been submitted by the



State counsel that co-accused Satwant Singh while getting his disclosure statement recorded claimed that the recovered contraband had been supplied to him by the petitioner.

4. On a pointed query put to the learned State counsel, he has not disputed that after the petitioner's name surfaced in the disclosure statement of co-accused Satwant Singh, not only co-accused Satwant Singh had been challaned and sent up to face trial but in the preceding two years, no efforts had been made to arrest the petitioner much less issue any proclamation under Section 82 Cr.PC. Learned State counsel, on further instructions, has not disputed that no recovery of any contraband was affected when the petitioner was arrested on 31.08.2024.

5. Learned State counsel has nevertheless submitted that the petitioner has previously been involved in another case under the NDPS Act, however, concededly, he was granted the concession of bail prior to his involvement in the present case.

6. Heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 31.08.2024; his name surfaced in the disclosure statement allegedly suffered by co-accused Satwant Singh. No recovery of any contraband was affected from the petitioner at the time of his arrest or even thereafter. Challan already stands presented qua him. The trial is unlikely to conclude in the near future as charges are yet to be framed.



8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. 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.

10. 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.

03.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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