

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

2025:PHHC:066871



(253)

CRM-M-2749-2025

Date of Decision: 19.05.2025

Amit Kumar

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. N.S. Sodhi, Advocate with
Mr. N.K. Mehra, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab assisted by
ASI Ghansham Sunder.

MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of regular bail, filed under Section 439 Cr.P.C, in case FIR No.26, dated 23.08.2023, under Section 25 of Arms Act and Sections 21, 25, 29 of NDPS Act (Sections 109, 115, 120 IPC deleted), registered at Police Station, State Special Operation Cell, District Intelligence Wing (CID) Amritsar.

2. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case which is evident from the custody certificate placed on record by the learned State counsel in Court today. It has been further contended that the petitioner came to be nominated as an accused in the present case following disclosure statement allegedly suffered by two co-accused namely Malkeet Singh @ Malkiat Singh and Prince Singh @ Prince qua whom a secret information was received. Counsel has still further asserted that no such secret information

was received regarding the petitioner's involvement in drug trafficking; after the petitioner was arrested on 22.08.2023 nor recovery of any contraband much less heroin was effected from the petitioner; instead a recovery of 4 live cartridges and two mobile handsets was shown to have been effected from the petitioner from a house which was allegedly being used as a Safe House by all the accused including the petitioner. Counsel has also submitted that identically placed co-accused Kuldeep Singh has already been extended the concession of bail by this Court vide order dated 14.12.2024 and hence the petitioner also deserves similar relief as investigation is complete and challan has already been presented against him. Counsel has also asserted that some of the co-accused were arrested later on following a supplementary challan being presented against them which has resulted in delay in trial.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner nor has he disputed that no recovery of any contraband much less heroin was effected from the petitioner, however, it has been asserted that the petitioner's name surfaced in the disclosure statement of the co-accused from whom a recovery of 280 grams of heroin was effected and it came to light that the petitioner was also a part of the gang which was involved in smuggling of heroin.

4. On a pointed query put to learned State counsel, it has been submitted that as many as 37 prosecution witnesses have been cited by the prosecution, however, on account of a supplementary challan being presented against some of the co-accused, charges have not been framed and there has been indeed some delay in the trial.

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

6. The petitioner is not stated to be involved in any other criminal case much less under the NDPS Act. On being arrested, no recovery of any narcotic substance was effected from the petitioner except 4 live cartridges along with two mobile handsets. Trial is unlikely to conclude in the near future as only recently supplementary challan has been presented against the co-accused.

7. In view of the facts enumerated herein above, 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.

8. 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

19.05.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No