

2025:PHHC:082199



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

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CRM-M-8671-2025

Date of decision: July 09, 2025

BALJINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bhupender Beniwal, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.35 dated 22.03.2024 under Section 21 (and Section 29 added later on) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City-1 Sangrur, District Sangrur (Annexure P-1).
2. Learned counsel for the petitioner submits that the petitioner has no previous criminal antecedents, much less being involved in any case under the NDPS Act. Therefore, it clearly lends credence to his false implication in the present case and that too, on the basis of a disclosure statement suffered by co-accused Navdeep Kaur and Hardeep Kaur, from whom a recovery of 7.050 grams of heroin was effected. It has been asserted by the learned counsel that the disclosure statement, on the basis of which the petitioner has been arraigned as an accused, holds little evidentiary value; as per the disclosure statement, the petitioner was the alleged supplier of the recovered contraband. However, as per the conceded case of the



prosecution, after the petitioner was arrested on 24.03.2024, no recovery of any contraband, much less heroin, was made from him.

3. It has also been submitted by the learned counsel for the petitioner that investigation in the present case is complete and challan stands presented, however, there is no possibility of the trial concluding in the near future as only 2 witnesses out of the 16 cited by the prosecution have been examined so far.

4. Learned State counsel has filed the custody certificate of the petitioner in the Court today, which is taken on record subject to all just exceptions. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, nor has he, on instructions, disputed that no recovery of any contraband was made after the petitioner was arrested, following his name surfacing in the disclosure statement of co-accused Navdeep Kaur and Hardeep Kaur. On being pointedly asked, learned State counsel has also not disputed that the petitioner has no previous criminal antecedents, however, it has been submitted that out of 16 witnesses cited by the prosecution, while 2 have been fully examined, 2 have been given up, which leaves 12 prosecution witnesses to be examined in the future.

5. Learned State counsel, while opposing the prayer made by the petitioner, has also submitted that although no recovery of any contraband, much less heroin, was made from the petitioner following his arrest, however, it had come during investigation that the recovered contraband had



been procured through the petitioner. On a pointed query as to whether any incriminating evidence other than the disclosure statement of the co-accused had been collected to link the petitioner with the alleged recovery, learned State counsel, on instructions, has replied in the negative.

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

7. The petitioner is not stated to be involved in any other criminal case, much less under the NDPS Act. After the charges were framed on 04.12.2024, evidence has commenced, however, 14 prosecution witnesses still remain to be examined. Hence, the trial is unlikely to conclude in the near future.

8. 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.

9. 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, while admitting the petitioner to bail, learned trial Court/Duty Magistrate concerned may put him to any stringent conditions as it deems fit, so as to ensure the presence of the petitioner during the trial.

10. 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.



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11. 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.

July 09, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*