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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9597-2025 (O&M)
Date of Decision:-22.05.2025

KULDEEP SINGH ALIAS SABHA

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. K.S. Sidhu, Advocate for the petitioner.
Mr. K.D. Sachdeva, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
52	07.07.2024	21(c) of the NDPS Act; (29 and 27-B NDPS Act added later on)	City Zira, District Ferozepur

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern whatsoever with the alleged recovery of contraband or the drug money recovered from co-accused. He further contends that the petitioner is not related to any of the co-accused



and no contraband was recovered from the conscious possession of the petitioner, and in fact, the petitioner had bonafidely taken lift in the car of co-accused Harpal Singh, wherein his mother-in-law was also sitting. He submits that the recovery of the contraband had been effected from the box lying near the gear lever of the car, owned and driven by co-accused Harpal Singh. He further submits that the petitioner had no knowledge about the same and he is in custody since 07.07.2024 and challan has already been presented in Court. Thus, prays for grant of concession of bail.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has prayed for dismissal of the petition. However, on a query, he has affirmed that the recovery of contraband had been effected from the box lying near the gear lever of the car, which was owned and driven by co-accused Harpal Singh.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that that as per the case of prosecution, the car owned and driven by co-accused Harpal Singh was signalled to stop, wherefrom 989 grams of heroin was recovered from the box lying near the gear lever of the car, besides ₹7,00,000/- alleged drug money was recovered from co-accused Paramjit Kaur, while no recovery was effected from the petitioner. Although, it is alleged that the petitioner was also having conscious possession of the contraband, but this fact becomes doubtful at this stage in the light of the disclosure statement (Annexure P-3) given by co-accused Paramjit Kaur, who claimed to have been handed over the contraband by



accused Jaspreet Singh @ Kaali for further supplying it to some unknown person. Admittedly, the car from which the bag carrying the contraband was kept concealed, belonged to co-accused, who was also driving the same. The third accused Paramjit Kaur happens to be the mother-in-law of the accused driving the car and not related to the petitioner. Further, it is debatable as to whether the petitioner was having any knowledge about the contraband kept in the box lying near the gear lever and whether it will constitute conscious possession of the petitioner or not. This fact could only be decided during the course of trial. Challan has already been presented in Court, where the prosecution has cited 16 witnesses and none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, after his release on bail, it will be open for the prosecution to move an application for cancellation of



his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

22.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No