



CRM-M-10667-2025

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

CRM-M-10667-2025

Date of Decision: 14.05.2025

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Suresh Kumar Arya, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.70 dated 21.11.2023 under Section 15 of NPDS Act, 1985 (Section 29 of NDPS Act, 1985 added lateron), registered at Police Station Thulliwal, District Barnala.

2. As per facts of the case, on 21.11.2023 the Police party received a secret information to the effect that Satgur Singh is involved in selling poppy husk and he was bringing the contraband from other State in his vehicle Balero and in case of *naka*, he could be arrested along with the contraband. On receiving the secret information, the *naka* was laid and as per secret information, a Bolero was seen coming, which was stopped by the Police. On asking, the driver of the vehicle disclosed his name as Satgur Singh. On search of the vehicle, 110 kgs of poppy husk was recovered. He was arrested on the spot. On registration of FIR, the investigation commenced. During the investigation, disclosure statement of accused Satgur Singh was recorded, wherein, he disclosed about the involvement of the petitioner. Thus, the petitioner was arrayed as an accused and arrested on



19.11.2024. The petitioner approached the Court of learned Judge Special Court, Barnala praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 04.02.2025. Hence, the petitioner approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He has submitted that neither the petitioner was named in the secret information nor any recovery has been made from him, however, he has been implicated in the present case only on the basis of the disclosure statement of the co-accused, namely, Satgur Singh. He has submitted that co-accused Satgur Singh who was arrested on spot, has already been enlarged on bail by this Court vide order dated 22.01.2025 passed in CRM-M-61306-2024. He submits that though the petitioner was convicted in one more case, however, he has already undergone the sentence awarded to him. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who have already been granted bail.

4. Learned counsel for the State has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Satgur Singh. He has submitted that supplementary challan has been filed and charges are yet to be re-framed. He has placed on record the custody certificate of the petitioner.



5. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner is behind bars since 19.11.2024. Co-accused, namely, Satgur Singh on whose disclosure statement the petitioner was arrayed as accused, is on bail and the case of the petitioner as stated is at par with them. Though the petitioner was prosecuted in one more case, however, he has already undergone his sentence in that case.

6. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

14.05.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No