



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

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CRM-M-21879-2025

Date of decision: April 30th, 2025

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yogesh Goel, Mr. Lakshay Goel
and Ms. Harjot Kaur, Advocates
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.89 dated 14.07.2022 under Sections 18(c) and 29 of the NDPS Act, 1985, registered at Police Station Khamano, District Fatehgarh Sahib.

2. Learned counsel for the petitioner contends that the petitioner was not apprehended at the spot along with co-accused Rajwinder Singh from whom a recovery of 5 kilograms of opium was allegedly effected. The petitioner came to be nominated as an accused on the basis of a discourse statement allegedly suffered by co-accused Rajwinder Singh, who claimed that the recovered contraband belonged to the petitioner. It has been asserted by the learned counsel that the petitioner's false implication on the basis of the disclosure statement purportedly made by co-accused finds due credence from the fact that he has no previous criminal antecedents much less ever being involved

in a case under the NDPS Act. It has been further argued by the learned counsel that co-accused Rajwinder Singh from whom the alleged recovery was effected and that too on suspicion, has already been enlarged on bail by a coordinate Bench of this Court on 22.08.2024. In support, learned counsel has drawn the attention of this Court to Annexure P-7. It has also been argued by the learned counsel that the disclosure statement on the basis of which the petitioner has been arraigned as an accused in the present case holds little evidentiary value and it needs to be appreciated in the light of he having clean antecedents. Learned counsel has, therefore, prayed for extending the concession of bail to the petitioner in the present case as not only challan stands presented but even charges stand framed against the petitioner; as many as 16 prosecution witnesses have been cited and, therefore, there is no possibility of trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from S.I. Supinder Singh, has not disputed that no recovery of any contraband was made from the petitioner on his arrest on 31.01.2025. It has also not been disputed that the petitioner was not alleged to be travelling with co-accused Rajwinder Singh from whom the recovery of 5 kilograms of opium was effected. However, it has been asserted by the learned State counsel, on instructions, that on being nabbed on suspicion, co-accused Rajwinder Singh had suffered a disclosure statement claiming that the recovered contraband belonged to the petitioner.

4. On a pointed query, it has been conceded by the learned State counsel, on instructions, that other than the disclosure statement of co-accused Rajwinder Singh, there is no other incriminating material

collected by the investigating agency to indicate the involvement of the petitioner in the present case nor is the petitioner involved in any other case under the NDPS Act.

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

6. The petitioner came to be arraigned as an accused on the basis of disclosure statement suffered by Rajwinder Singh. The investigation is complete and even charges stand framed against the petitioner. The possibility of the trial concluding in the near future does not arise. The prime accused Rajwinder Singh has already been extended the concession of regular bail by a coordinate Bench of this Court.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner be admitted to bail 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.

April 30th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No