



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
224

CRM-M-34854-2025 (O&M)
Date of decision: 11.07.2025

Kulveer Singh
State of Punjab

Versus

....Petitioner
....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.80 dated 15.05.2025 registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Nihal Singh Wala, District Moga.
2. As per the allegations in the FIR, the police officials on receipt of a secret information intercepted a white colour Honda City car without registration number, in which one Jagmeet Singh was travelling and on search of the said vehicle, total 400 Kgs of Poppy Husk was recovered. Hence, the impugned FIR was registered and on the basis of disclosure statement made by Jagmeet Singh, Piara Singh @ Pyara Singh as well as Kulveer Singh (petitioner herein) have been nominated as accused in the FIR (supra).



3. Learned counsel for the petitioner *inter alia* contends that admittedly, the petitioner was not named in the FIR and the alleged recovery of Poppy Husk is effected from co-accused Jagmeet Singh. There is no evidence to connect the petitioner with the alleged offence and the petitioner has been nominated in the case solely on the basis of the disclosure statement suffered by co-accused during his custodial interrogation and such statement recorded by a police officer under Section 67 of the NDPS Act has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Evidence Act. Apart from the disclosure statement made by co-accused, there is no other evidence against the petitioner and the trial is likely to take long time in conclusion. Learned counsel for the petitioner further submits that the similarly situated co-accused Piara Singh @ Pyara Singh has already been granted the concession of regular bail by this Court vide order dated 10.07.2025 passed in CRM-M-34530-2025.

4. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner has been specifically named by the co-accused, however, he could not controvert the fact that the petitioner is in custody from the last 01 month and 20 days.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 month and 20 days. Investigation is complete.



The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress.

6. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI", (2022) 10 SCC 51***, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

7. Further the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.



8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Kulveer Singh is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

11.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No