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

CRM-M-46644-2025

Date of Decision: 29.08.2025

KAMALJIT RAM

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is second petition for regular bail in case FIR No.24, dated 01.04.2022, registered at Police Station Aur, District S.B.S Nagar, Punjab, under Sections 21 and 29 of NDPS Act, 1985.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. Brief facts of the prosecution case are that on 01.04.2022 one Jaswant Kaur was apprehended and was found in conscious possession of 280 grams of heroin and the formal FIR was registered. During investigation, she suffered disclosure statement to the effect that the contraband was brought by her from an unknown person from Nakodar area at the behest of her husband Kamaljit Ram (Petitioner). As such, on her disclosure statement, petitioner was nominated as an accused and offence under Section 29 of NDPS Act, 1985 was also added. Petitioner



was arrested on 02.06.2022. After completion of investigation, final report has been presented for trial of both the accused.

4. Learned counsel for the petitioner argued that applicant has been falsely implicated in the present case. The disclosure statement suffered by co-accused is not admissible in evidence. The contraband was allegedly purchased by her from some unknown person and it has been alleged that the same was arranged at the behest of the petitioner. However, no recovery has been effected from petitioner and except disclosure statement, there is no other evidence against him. Petitioner is in custody since 02.06.2022 and now 15 out of 18 witnesses cited by the prosecution have already been examined. The prosecution case is upon testimony of official witnesses and there is, thus, no possibility of petitioner winning over or intimidating the witnesses and in view of his long custody, his further detention is not required and he may be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner does not deserve the concession of bail in view of the gravity of the offence.

6. Petitioner has been nominated as an accused in the disclosure statement suffered by the co-accused from whom contraband was recovered and it has been merely alleged that she has brought the contraband from some unknown person at his behest. As to how much evidentiary value will be attached to the disclosure statement suffered by co-accused shall be the subject matter of trial. Moreover, rigors of Section 37 NDPS Act, 1985 shall not be attracted against the petitioner as no recovery has been effected from him. Petitioner is in custody since



02.06.2022. The trial is likely to take sufficiently long time to conclude and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

7. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

29.08.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No