



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CRM-M-53412-2024
Date of decision: January 29th, 2025

Kulwant Singh
.....Petitioner
Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldeep Singh Ahluwalia, Advocate
with Mr. Deepak, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail in FIR No.57 dated 08.04.2024 under Sections 22, 29 of the NDPS Act, 1985 registered at Police Station Special Task Force at Sector 79, District STF Wing, S.A.S. Nagar.

2. Learned counsel for the petitioner submits that although as per the case of the prosecution, a secret information was allegedly received qua the involvement of co-accused Sukhdev Singh, however, no such information qua the involvement of the petitioner in drug trafficking was received; the petitioner was not even alleged to be accompanying co-accused Sukhdev Singh at the time when the latter was intercepted by the police, leading to the recovery of 800 tablets of Tramadol. Learned counsel for the petitioner has submitted that subsequently the petitioner was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused

Sukhdev Singh, who claimed that the recovered contraband had been procured by him through the petitioner. It has been argued by the learned counsel that the disclosure statement, on the basis of which the petitioner has been nominated in the present case, has poor evidentiary value and it also needs to be appreciated in the light of no recovery of any contraband having been made from the petitioner when he was arrested on 25.07.2024. It has been asserted by the learned counsel that in the given circumstances, it clearly points to the petitioner's false implication in the present case.

3. On a query put to the learned counsel for the petitioner about the stage of trial, it has been submitted that not only has challan been presented qua him but even charges framed, however, none of the 20 prosecution witnesses have been examined so far. A prayer has, therefore, been made for accepting the prayer of the petitioner and admitting him on bail.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that after the petitioner was arrested on 25.07.2024 pursuant to the disclosure statement suffered by co-accused on 10.04.2024, no recovery of any contraband much less tablets of Tramadol was made from him. It has also not been disputed that the secret information was received qua the involvement of only co-accused Sukhdev Singh from whom alleged recovery was made. However, learned State counsel has placed on record the custody certificate of the petitioner and submitted that the petitioner is facing trial in some other cases under the NDPS Act and Excise Act and a perusal of the custody certificate reveals that the petitioner is already on bail in the other cases registered against him

under the NDPS Act, wherein also, he had been nominated pursuant to a disclosure statement made by the co-accused in those cases.

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

6. After the petitioner was arrested, a supplementary challan was presented qua him on 29.08.2024 followed by framing of charges on 22.10.2024, however, there is no possibility of the trial concluding in the near future in view of the fact that none of the 20 prosecution witnesses have been examined so far. Hence, in the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

7. 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.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

January 29th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No