



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-51105 of 2025

Reserved On: 27.10.2025
Pronounced On: 30.10.2025

Kawaljeet Singh alias Nikka

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Malkiat Singh Hundal, Advocate (Through Video Conference mode) and Ms. Rubi Khokhar, Advocate for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General, Punjab, for the respondent.

Surya Partap Singh, J.

1. For the commission of offence punishable under Sections 21, 27(a) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred as “the NDPS Act” [Sections 303(2) and 317(2) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred as “BNS” only, added later on], the FIR No. 146 dated 05.07.2025 has been lodged in Police Station Jandiala, District Amritsar Rural.

2. During the course of investigation of above mentioned case, the petitioner was arrested on 06.08.2025. The petitioner is in custody since then, and therefore, he has approached this Court for the concession of bail, by virtue of present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. Briefly stating the facts emerging from the record are that the FIR of this case came into being as a chance recovery of 18.30 grams of heroin from the possession of co-accused namely Sahil Singh @ Suraj had taken place. As per prosecution, when a police party headed by Sub Inspector Naresh Kumar was on patrolling duty, it intercepted a person on the basis of suspicion and from his possession 18.30 grams of heroin was recovered. As per prosecution case, the recovered contraband was duly seized in accordance with law and the accused was arrested, who on interrogation suffered a disclosure statement, wherein he revealed that he had purchased the above mentioned drugs from the petitioner.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent, who has been implicated in the present case on the basis of disclosure statement of co-accused, and that the disclosure statement of co-accused was recorded when he was already in police custody. It has been further contended that the petitioner is in custody for a period of 2 months and 19 days, and that the trial is not likely to be concluded in near future. As per learned counsel for the petitioner, nothing is left to be recovered from the possession of the petitioner, and that release of the petitioner on bail is not likely to cause any prejudice to the prosecution case.

6. Per contra, the learned State counsel has argued that the petitioner is an active member of a racket involved in the supply of narcotic substance, and that the disclosure statement suffered by the co-accused makes it abundantly clear that participation of the petitioner in the commission of crime is an established fact. According to learned State

counsel, if released on bail, the petitioner is likely to indulge in similar activities and therefore, he is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. A careful perusal of record shows that in the present case following are the factors which are required to be taken into consideration before the arriving at any decision:-

- i) that the contraband recovered from the possession of main accused comes within the ambit of intermediate quantity, and it is little above the highest threshold meant for small quantity and only a friction of lowest limit fixed for commercial quantity;
- ii) that nothing has been recovered from the possession of petitioner and he has simply been nominated by his co-accused, who suffered a disclosure statement when he was in police custody;
- iii) that nothing is left to be recovered from the possession of the petitioner;
- iv) that the petitioner has already suffered sufficient incarceration for being in custody for a period of 2 months and 19 days;
- v) that the trial is not likely to be concluded in near future;
- vi) that detention of the petitioner behind the bar is not likely to serve any purpose; and
- vii) that there is nothing on record to show that if released on bail, the petitioner is not likely to tamper with the

evidence.

11. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and the present petition deserves to be allowed. Hence, the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. In case, the learned trial Court concerned is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court.

12. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

October 30, 2025

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No