



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

246

CRM-M-56523-2024

Date of decision: 21.01.2025

Talwinder Singh @ Mintu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the BNSS, 2023 in case FIR No.0009 dated 15.03.2023 under Sections 21(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station City SSOC, Fazilka, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner came to be nominated as an accused in the present case on a disclosure statement allegedly suffered by co-accused Gurwinder Singh from whom a recovery of 510 grams of heroin was allegedly effected. Learned counsel has submitted that the evidentiary value of the disclosure statement on the basis of which the petitioner has been arraigned as an accused is of a weak nature and it needs to be appreciated in the wake of no recovery of any contraband having been effected from the petitioner when he was arrested in the present case on



CRM-M-56523-2024

31.03.2023. It has been further submitted that since only 12 prosecution witnesses out of the 24 cited have been examined till date, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Pardeep Kumar, has submitted that no doubt the petitioner was not apprehended along with the co-accused whom whom a huge recovery of heroin was made, however, there was enough incriminating material collected by the investigating agency after the name of the petitioner surfaced during investigation and in the disclosure statement made by the co-accused; there were documented monetary transactions running into lakhs of rupees which prima facie corroborated that the petitioner was the mastermind and was the prospective buyer of the contraband recovered from the co-accused totalling 600 grams of heroin (510 grams from co-accused Gurwinder Singh and 90 grams from co-accused Sahij Bir Singh). It has also been submitted that the petitioner has previously been involved in a number of criminal cases, including 11 cases under the NDPS Act and at present he is facing trial in 04 out of the cases under the NDPS Act. It has been further submitted that the next date fixed before the learned Trial Court is 30.01.2025 when some of the remaining prosecution witnesses are likely to be examined.

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

5. Prima facie, the petitioner does come across as a habitual

**CRM-M-56523-2024**

offender. As submitted by the learned State counsel there are certain documented monetary transactions between the petitioner and the co-accused from whom the alleged recovery of 600 grams of heroin was made. Although it was disputed by the learned counsel for the petitioner that the said monetary transactions did not pertain to drug smuggling, however, this would be a matter to be appreciated during trial. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is hereby dismissed.

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.

21.01.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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