



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

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CRM-M-58650-2024

Date of decision: 05.03.2025

Malkit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parminder Singh Sekhon, Advocate and
Mr. Rajdeep Singh Gill, Advocate
for the petitioner.

Mr. Baljinder Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.207 dated 03.10.2023 under Sections 22, 29 and 27 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Section 201 of the IPC, registered at Police Station Samrala, Police District Khanna, District Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner, who is a 66 year old man, has been implicated in the present case only because he was found present in the Uber Taxi in which the alleged recovery of 10000 tablets of Tramadol was allegedly made. It has been submitted that even as per the case of the prosecution the recovered contraband was to be delivered to Narinder Singh at the instance of co-accused Prithvi Singh. Learned State counsel has



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submitted that it is a matter of record that the petitioner is a neighbour of co-accused Sandeep (owner of the Uber Taxi) and had merely taken a lift in the taxi when it was intercepted by the police. Learned counsel has submitted that even as per the disclosure statement allegedly suffered by co-accused Narinder Singh annexed as Annexure P/4, no role has been attributed to the petitioner regarding his involvement in the transportation of the recovered contraband. It has been further submitted that the petitioner has no previous criminal antecedents which further lends credence to his non-involvement in the present case. Learned counsel has, therefore, prayed that since investigation in the present case is complete and even charges stand framed, further incarceration of the petitioner would serve no useful purpose as 14 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has neither disputed the custody period of the petitioner nor the stage of trial. It has also not been disputed on instructions that even as per the disclosure statement the petitioner was not involved in transportation of the alleged recovery. Learned State counsel, on further instructions, has not refuted that the petitioner has no previous criminal antecedents, however, it has been submitted that when the car in which the recovered contraband was being transported was intercepted, the petitioner was found seated in the same and hence, at this stage a prima facie inference could be drawn that he was aware about the contraband being transported for onward delivery to co-accused Narinder Singh.



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

5. The petitioner has been in custody since 03.10.2023; he has no previous criminal antecedents. As not disputed, no recovery of any contraband was made from the conscious possession of the petitioner. Since 14 prosecution witnesses remain to be examined, the possibility of the trial concluding in the near future looks unlikely. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

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

05.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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