

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62864-2024
Date of decision: 21.02.2025

KULWINDER SINGH ALIAS NIKKA PETITIONER

VERSUS

STATE OF PUNJAB RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Chahat Goyal, Advocate for the petitioner.

 Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Custody certificate dated 20.02.2025 filed in Court today.

The same is taken on record. Copy thereof has been supplied to the
opposite counsel.

2. Reply dated 19.02.2025 in the form of an affidavit of Deputy
Superintendent of Police, Barnala, has been filed. The same is taken on
record. Copy thereof has been supplied to learned counsel for the
petitioner.

3. By way of present petition filed under Section 483 of BNSS,
the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
07	18.01.2024	21, 29 of NDPS Act	Dhanaula, District Barnala.

4. Arguments heard.

5. Learned counsel for the petitioner, *inter alia*, contends

that the petitioner is innocent and having no concern with the allegations

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levelled in the FIR but has been falsely implicated in this case. He further contends that the petitioner is not named in the FIR but allegedly nominated on the disclosure statement made by co-accused Ramapreet Singh and Sukhchain Singh, which in turn were named by Gurjoban Singh, from whom recovery of 300 grams of heroin was effected. He submits that the petitioner has no concern with the said recovery or from the co-accused and even upon his arrest on 01.09.2024, no recovery of contraband has been effected from the petitioner and the challan has already been presented. Hence, the present petition.

6. On the other hand, learned State counsel opposed the bail application and prayed for dismissal of the bail, however, on query, admitted the fact that no recovery had been effected from the petitioner and in the trial, 15 prosecution witnesses are yet to be examined.

7. After hearing the respective submissions and perusing the record, it transpires that the instant FIR (Annexure P-1) was registered consequent upon the apprehension of co-accused Gurjoban Singh, from whom recovery of 300 grams of heroin stands effected and during his interrogation he disclosed the names of Ramapreet Singh and Sukhchain Singh and in turn these co-accused named the petitioner as one of the supplier. Consequent upon the nomination of the petitioner as one of the accused, he was arrested on 01.09.2024 and admittedly, no recovery of contraband has been effected from him. After completion of investigation, challan has already been presented in Court wherein the prosecution has cited 15 witnesses till date none has been examined. The conclusion of



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trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time and keeping in view the fact that no recovery has been effected from the petitioner and he is already in custody from 01.09.2024, no purpose would be served by detaining the petitioner in custody any longer.

8. Accordingly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate/Judge on Duty concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.02.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |