

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025 PHHC 173500



CRM-M-60785-2025 (O&M)
Date of Decision: 11.12.2025

KAMALJIT SINGH @ KAMMA ... PETITIONER
VERSUS
STATE OF PUNJAB ... RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. C.S.Rana, Advocate for the petitioner.

Mr. Parneet Singh Pandher, A.A.G., Punjab.

H.S. GREWAL, J. (ORAL)

1. The present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.78 dated 24.05.2025, under Sections 21, 61 and 85 of NDPS Act (Sections 22 and 29 of NDPS Act added later on) registered at Police Station Badhni Kalan, District Moga.

2. The case of the prosecution is that co-accused of the petitioner, namely Gurwinder Singh was arrested and 260 gms of heroin was recovered from him. On the disclosure statement of Gurwinder Singh, Iqbal Singh @ Kawali was nominated as an accused. Thereafter, on the arrest of Iqbal Singh @ Kawali, 10 grams of heroin and 20 loose intoxicant tablets were recovered. The present petitioner has been nominated on the basis of disclosure statement suffered by Iqbal Singh @ Kawali who stated that petitioner had given him 270 gms of heroin and 20 loose intoxicant tablets and out of that quantity, he had given 260 gms of heroin to Gurwinder Singh.

3. Learned counsel for the petitioner submits that there is no other

evidence apart from the disclosure statement of the co-accused, Iqbal Singh @ Kawali to nominate him as an accused in the present FIR. No recovery has been effected from the present petitioner. The petitioner is in custody for the last 05 months and 15 days. He, therefore, prays for release of the petitioner on regular bail as the trial is likely to take a long time.

4. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the ground of gravity of allegations. He has filed the status report by way of affidavit of Anwar Ali, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga and custody certificate in Court, which are taken on record. As per the custody certificate, the petitioner is in custody for the last 05 months and 15 days.

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

6. Considering the submissions of the learned counsel for the parties and the fact that apart from disclosure statement of the co-accused, there is no other evidence to implicate the petitioner in the present case; the petitioner is in custody for the last 05 months and 15 days; challan has been presented, charges are yet to be framed; trial is yet to commence, therefore, continuous detention of the petitioner would not serve the ends of justice. Keeping in view the facts and circumstances of the present case, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

7. It is clarified that if on bail so granted through the instant order the petitioner is found indulging in any other criminal case it shall be open to the State to seek cancellation of his bail.

11.12.2025

Janki

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(H.S.GREWAL)
JUDGE