



**In the High Court for the States of Punjab and Haryana at
Chandigarh**

215

CRM-M-5713-2026 (O&M)
Date of Decision:- 24.04.2026

Kulwinder Singh		... Petitioner
	Versus	
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. Gurnoor Singh Sethi, Advocate, Legal Aid Counsel,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.24 dated 14.01.2024, registered under Sections 22, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 42 of the Prisons Act, at Police Station City, District Hoshiarpur.
2. As per the case of the prosecution, the present FIR was registered on the basis of suspicion when a person was seen near the jail wall through CCTV surveillance, the guard alerted the QRT and upon search, one parcel was recovered. The accused from whom parcel was recovered, disclosed his identity as Inderjit Singh, who further disclosed the name of co-accused-Ravinder Singh @ Rubi, an under-trial prisoner, who instructed him over the phone to deliver the parcel. During inquiry, co-accused-Ravinder Singh @ Rubi, revealed that the mobile phone used belonged to Kulwinder Singh. On checking the parcel, 9 packets of tobacco (zarda), one bundle of biri, and 1020 orange-colored tablets (without wrapper) were recovered.



CRM-M-5713-2026 (O&M) (2)

3. Learned counsel for the petitioner contended that petitioner has been falsely implicated in the present cases on the basis of disclosure statement of co-accused. No recovery has been effected from the petitioner. He was in custody at that relevant time and the allegation against him is that he telephonically arranged the delivery of the contraband and other restricted articles, however, to support these allegations, there is no other material on record except the disclosure statement of co-accused, which is inadmissible in evidence; nothing has been recovered from him. Learned counsel further contended that case of the present petitioner is on similar footings as that of co-accused, namely, Ravinder Singh @ Rubi, who has already been granted regular bail by this Court vide order dated 12.09.2025 passed in CRM-M-50089-2025 (Annexure P-3). Petitioner is behind bars for the last 1 year, 06 months and 04 days; there is no apprehension that if the petitioner released on bail, he will tamper with the prosecution evidence as the witnesses are police officials; and trial of the case will take sufficient time to conclude. Hence, learned counsel prayed for concession of bail to the petitioner.

4. Custody certificate dated 22.04.2026 of the petitioner filed by learned State counsel today in Court, is taken on record. As per custody certificate, the petitioner has been behind bars for about 01 years, 06 Months and 04 days.

5. Learned State counsel upon instructions from ASI Nanak Singh opposed the prayer made by learned counsel for the petitioner by submitting that the petitioner is a habitual offender; he is involved in 7 more cases; and from jail, he is operating an instrumental delivery of the contraband, which is recovered from the possession of co-accused and falls under commercial quantity. Learned State counsel admitted the fact that except the disclosure



CRM-M-5713-2026 (O&M) (3)

statement of co-accused, there is no other material evidence on record to connect the present petitioner in the commission of offence.

6. Heard.

7. Taking into consideration the rival contentions of learned counsel for the parties; allegation against the present petitioner that he was operating instrumental delivery in drug trafficking; and a commercial quantity was recovered from the co-accused; apart from the disclosure statement, there is no other material on record to connect the petitioner with the commission of the offence; petitioner has been in custody for the last 1 year, 06 months and 04 days; co-accused, namely, Ravinder Singh @ Rubi, has already been granted regular bail by this Court vide order dated 12.09.2025 passed in CRM-M-50089-2025; the trial is likely to take considerable time to conclude, and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

8. 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 bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

24.04.2026

Geeta

(SUBHAS MEHLA)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No