

2026:PHHC:080549



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-24618-2026
Date of decision: 21.05.2026

KULWINDER SINGHPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Mohd. Yousaf, Advocate and
Ms. Arzoo Modi, Advocate
for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant **third petition** has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 10 dated 09.01.2024, registered under Section(s) 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and offence under Section 42, 52-A of Prisons Act at Police Station City Hoshiarpur, District Hoshiarpur.

2. Briefly stated, the present FIR was registered on the communication addressed by the Office of the Senior Superintendent, Central Jail, Hoshiarpur, to the SHO, Police Station City Hoshiarpur vide Memo No. 443/ASW dated 09.01.2024. As per the prosecution version, on 09.01.2024, while official duties were being performed in the Warrant Office of the jail,

information was received that at approximately 6:30 P.M., a packet wrapped in black cello tape had been thrown inside the jail premises near Barrack Nos. 18 to 21 from the side of Tower No. 2 near the oven area. It was alleged that the said packet was recovered by Head Warden Satnam Singh No. 5428, who was on duty at the relevant time. The prosecution further alleges that the recovered packet was opened in the presence of senior jail officials, whereupon it was found to contain 1295 orange-coloured tablets without wrappers, one black-coloured Lava keypad mobile phone without SIM card and battery bearing IMEI Nos. 352614110077734 and 352614110077742, along with two packets of tobacco. It was further stated in the complaint that throwing, possessing or bringing prohibited articles within jail premises is in violation of jail rules and regulations. Accordingly, a request was made for registration of a criminal case against unknown persons and for conducting investigation regarding the recovered contraband articles and the persons responsible for having thrown the same into the jail premises.

3. Learned Counsel appearing on behalf of the petitioner contends that the petitioner has neither been named in the FIR nor anything has been recovered from him. He was nominated subsequently on the disclosure of the co-accused. Learned counsel further submits that at the relevant time, the petitioner himself was already lodged in judicial custody inside the jail premises and, therefore, the prosecution story that he was actively involved in coordinating or facilitating narcotic activities from within the jail is inherently improbable and devoid of credibility. She thus submits that the disclosure statement having been made while the co-accused was in police custody is inadmissible in law and that as a matter of fact there are five blank FIRs that

have been registered against the petitioner at the Police Station City Hoshiarpur on the asking of jail authorities and that the petitioner has thereafter been nominated as an accused in such cases in a mechanical manner. She submits that the petitioner was taken in custody on 31.01.2024 and recovery in the present case has been effected from the co-accused and not from the petitioner herein.

4. Learned State Counsel submits that only 06 witnesses out of 18 witnesses have been examined so far. Counsel further contends that there are other cases registered against the petitioner and thus he has criminal antecedents.

5. Responding to the above, Counsel contends that even if the criminal antecedents of the petitioner are taken into consideration, the same by themselves cannot constitute sufficient ground to deny the concession sought in the present case. It is submitted that the petitioner was admittedly already lodged in custody at the relevant point of time and, therefore, in the absence of any cogent material establishing nexus, communication, relationship or active coordination between the petitioner and the other co-accused persons, the prosecution cannot automatically attribute the narcotic transactions or recoveries effected from the co-accused to the petitioner herein. It is further argued that the prosecution has failed to place on record any substantive material demonstrating that the petitioner had either orchestrated, facilitated or participated in the recovery or narcotic trade. Learned counsel submits that mere suspicion of association, unsupported by independent evidence, cannot justify drawing a cascading inference so as to implicate the petitioner solely on account of recoveries effected from the co-

accused persons.

6. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present petition.

7. Without commenting on the merits of the case and taking into consideration the fact that arguable issues arise for adjudication in the present matter with regard to the precise role and involvement attributed to the petitioner, which would require thorough examination during the course of trial, coupled with the period of custody already undergone by the petitioner and the further that only 06 out of the total 18 prosecution witnesses have been examined thus far, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

MAY 21, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No