

2026.PHHC.062963



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

137

CRM-M-72963-2025 (O&M)

Date of decision: 24.04.2026

Kulwinder Singh @ Kinda

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rishu Mahajan, Advocate for the petitioner
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.94 dated 10.04.2025, registered under Sections 21(C)/25/29 of NDPS Act, at Police Station STF, District SAS Nagar, Mohali.
2. Learned counsel contends that the petitioner has been in custody for 10 months and 7 days. His name surfaced based on the disclosure statement of co-accused Hira from whom the alleged contraband was recovered. There is no call made between them on the date of recovery having been effected or a week prior though they are relatives. Neither his location shows him to be at the spot on said day. Charges have been framed on 12.11.2025 and none, out of 16 PWs. He is not involved in any other case.
3. Learned State counsel opposes the bail on the ground that petitioner has been specifically named by co-accused from whom the commercial quantity of contraband was recovered and they were together in the

business of its smuggling. However, he is unable to controvert the submissions with regard to stage of the case and petitioner being not involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 10 months and 7 days; not involved in any other case; charges have been framed on 12.11.2025, however, out of 16 PWs, none has been examined, the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

6. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of affidavit/s to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

8. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

24.04.2026
ashok

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