

2025:PHHC:053416



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

247

CRM-M-65470-2024

Date of decision: April 25, 2025

MALWINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. H.S. Bedi, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.101 dated 23.05.2024 under Section 15/61/85 of NDPS Act, 1985 and Section 29 of the NDPS Act (added later on), registered at Police Station Sadar Khanna, Police District Khanna (Annexure P-1).
2. Learned counsel for the petitioner has contended that in a case of apparent false implication, the petitioner has now been in custody since 20.11.2024, and that too, on the basis of a disclosure statement allegedly suffered by co-accused, Lovedeep Singh and Surinder, from whom a recovery of 150 kgs of poppy husk was allegedly effected while they were travelling together in a truck. Learned counsel for the petitioner has asserted that the evidentiary value of the disclosure statement is of a weak nature and cannot be made a basis of his conviction. Learned counsel has urged that since investigation is complete and even charges stand framed, further incarceration of the petitioner would serve no useful purpose, as out of 12



prosecution witnesses cited, 9 still remain to be examined, with next date of hearing before the learned trial Court being 03.06.2025.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner, nor has it been disputed, on instructions, that the petitioner came to be nominated as an accused in a disclosure statement allegedly suffered by co-accused from whom recovery of 150 kgs of poppy husk was made. However, learned State counsel has submitted that after the two co-accused were apprehended, during interrogation, they disclosed that the petitioner along with his car was standing at a pre-determined location and he was one of the prospective buyers of the recovered contraband. Learned State counsel has further submitted that although the petitioner was not found at the pre-determined location nor any contraband was recovered from the petitioner when he was arrested on 20.11.2024.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The challan in the present case stands presented and even the charges stand framed against the petitioner. The likelihood of the trial concluding in the near future seems remote with 09 prosecution witnesses still remaining to be examined. Moreover, identically placed co-accused Shubham Kumar Balu has already been granted bail by this Court vide order dated 27.03.2025.



6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed, and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

April 25, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*