



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

208/1

CRM-M-13158-2024 (O&M)

Date of Decision:- 21.03.2025

KANWALJIT SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
02	11.01.2024	21(a), 27(A), 29 of the NDPS Act; 25 of the Arms Act,	Dinanagar, District Gurdaspur

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has no concern with the alleged occurrence and even as per the allegations levelled in the FIR, the alleged recovery has already been effected and the petitioner is not required for further



investigation as challan has already been presented in Court. He submits that the petitioner is in custody since 11.01.2024 and the conclusion of trial will take sufficient long time, thus, prays for grant of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the grant of bail to the petitioner by submitting that the petitioner was travelling in the car wherefrom recovery of 1 grams 500 mg heroin along with Rs.15,000/- cash and two pistols 32 bore and two cartridges was effected. He has, however, not disputed the fact that after the completion of investigation, challan has been presented in Court.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that on 11.01.2024, the Police party apprehended the car driven by co-accused Rupinder Singh @ Pinder, wherein the petitioner and co-accused Pema Doma Bhutia were also sitting. On checking of the car, one gram 500 mg heroin along with Rs.15,000/- cash and two pistols 32 bore and two cartridges were recovered from the dashboard of the car. Accordingly, the FIR was registered and the petitioner was arrested. Admittedly, after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 24 witnesses but none has been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.



6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

21.03.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No