



**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-1696-2024
Date of Decision:25.09.2025

KULDEEP SINGH @ SABHA @ SANJHA ...Petitioner
Vs.
STATE OF PUNJAB ...Respondent

2. CRM-M-36484-2024

RANJIT SINGH @ RAJA ...Petitioner
Vs.
STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE H.S. GREWAL

Present: Mr. Anmol, Advocate for
Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner in CRM-M-1696-2024.

Mr. Ranjit Singh, Advocate
Mr. Rajiv Kumar Saini, Advocate and
Mr. Parviran Singh, Advocate
for the petitioner in CRM-M-36484-2024.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (Oral)

1. This order shall dispose of the aforesaid two petitions filed for grant of regular bail in FIR No. 51 dated 27.04.2023 under Sections 307 IPC, 1860, Sections 21-C, 27-A, 29 of the NDPS Act and Section 25 and 27 of the Arms Act, 1959, registered at Police Station Bhikhiwind, District Tarn Taran.

2. The case of the prosecution is that at a nakabandi, two motorcycles were apprehended. Out of the said motorcycles, the person who was sitting as a pillion rider on one Bullet motorcycle took out his pistol and fired three shots at the police party with an intention to kill and tried to flee away after leaving the said motorcycle behind. However, the police party



nabbed the young boy who was carrying the pistol and the other boy namely Sukhbir Singh Sukh who was riding the bullet motorcycle was also apprehended whereas his co-accused namely Ranjit Singh was sitting as a pillion rider on the said bullet motorcycle. The other Deluxe motorcycle was also nabbed by the police party. The said motorcycle was being driven by one Harpreet Singh @ Happy. While Mangal Singh @ Manga was seated as pillion. Thereafter, on being searched, 1 kg of Heroin in a polythene bag was recovered from the shirt of the co-accused namely Ranjit Singh whereas 700 grams of Heroin in a polythene bag was recovered from the shirt of other co-accused namely Mangal Singh @Manga. Moreover, a 32 bore pistol alongwith 05 live rounds and 03 empty cartridges was also recovered from the co-accused Ranjit Singh. It is further alleged that on the basis of disclosure statement of the co-accused namely Sukhbir Singh, an amount of Rs. 9.67 lakhs was recovered. Also, on disclosure statement of Harpreet Singh @ Happy, Rs.15.61 lakhs were recovered as drug money. There is no recovery of any contraband from the present petitioner, however, it is yet to be ascertained by the Trial Court, whether he was aware of the co-accused possessing the contraband or not. The petitioner Kuldeep Singh @ Sabha @ Sanjha was not named in the present FIR but was apprehended only on the basis of the disclosure statement made by the co-accused and was arrested on 29.04.2023. It is stated that since then he has been in custody and is involved in one more case under the NDPS Act.

3. Learned counsel for the petitioner appearing in CRM-M-1696-2024 submits that the petitioner has not been named in the present case and has been implicated on the basis of disclosure statement of the co-accused



which is not admissible as a piece of evidence at this stage. He submits that the petitioner has been in custody for the last more than 02 years, 04 months and 16 days.

4. Learned counsel for the petitioner in CRM-M-36484-2024 submits that provision of Section 50 of the NDPS Act is defected. He further submits that the petitioner has been in custody since 27.04.2023 and out of 28 prosecution witnesses cited, only 02 have been examined so far. Learned counsel for the petitioner further submits that despite issuance ofailable/non-ailable warrants, official witnesses are not appearing in the Court. Therefore, the petitioners be granted the benefit of bail.

5. Learned counsel for the State by way of filing of custody certificate vehemently opposes the grant of concession of regular bail and does not refute the fact that the petitioner-Kuldeep Singh has been in custody for more than 02 years, 04 months and 16 days, and the petitioner-Ranjit Singh has been in custody for the last more than 02 years, 04 months and 16 days and out of 28 cited witnesses, only 02 have been examined so far.

6. I have heard learned counsel for the parties and have gone through the material placed on record.

7. This Court has noticed that despite service by way of summons,ailable warrants and even non-ailable warrants, the concerned police officials have deliberately failed to appear as witnesses in the present case. In fact, it is a matter of grave concern for all the Courts. Apart from that, it not only amounts to interference in the administration of justice, but is also violative of right of accused under Article 21 of the Constitution of India. Even this intentional absence of official witnesses indirectly benefits the



accused in claiming that they had been incarcerated for a longer period and such a plea serves as an additional plea in favour of the petitioners to secure their bail.

8. In view of above, the Senior Superintendent of Police, Tarn Taran, is hereby directed to take immediate steps to ensure arrest of defaulting official witnesses i.e. ASI Lakhwinder Singh and ASI Sukhdev Singh, for the purpose of securing their presence before trial Court, as non-bailable warrants have already been issued against them and they shall be produced before the trial Court on the date fixed and shall be released after being examined as witness.

9. The Registry of this Court is directed to send a copy of this order to the Senior Superintendent of Police, Tarn Taran, to take strict action against the officials who are responsible for delaying the proceedings.

10. Keeping in view the above and the fact that the custody undergone by the petitioners is 02 years, 04 months and 16 days; out of 28 cited witnesses, only 02 have been examined so far and since, the conclusion of the trial is likely to take a long time, further incarceration of the petitioners would not serve the ends of justice. Therefore this Court deems it fit to grant the concession of regular bail to the petitioners.

11. Hence, without expressing any opinion on the merits of the case, the instant petitions are **allowed**. The petitioners are granted the concession of regular bail in the present case, on their furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/ Chief Judicial Magistrate concerned.



12. It is however, made clear that in case during their bail, if the petitioners indulge in any offence, the State shall be at liberty to file an application for cancellation of bail of the petitioners.

13. Pending applications, if any, also stand disposed of.

14. A photocopy of the order be placed on the file of other connected case.

(H.S. GREWAL)
JUDGE

25.09.2025

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