



214+292 (2 cases)

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

CRM-M No.17140 of 2025

Sct. Tasveer Singh Jo.36/339

.....Petitioner

versus

State of Punjab

..... Respondent

CRM-M No.49892 of 2025

Sunil Kumar @ Sonu

..... Petitioner

versus

State of Punjab

..... Respondent

Date of decision: 15.09.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rahi Mehra, Advocate
for the petitioner in CRM-M-17140-2025.

Mr. Arjun Veer Sharma, Advocate
for the petitioner in CRM-M-49892-2025.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.
2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.07, dated



30.01.2025, under Sections 21(b), 29 of NDPS Act and Section 52 of Prisons Act, registered at Police Station Cantt Bathinda, District Bathinda.

3. Succinctly the facts of the case are that on 30.01.2025, the search was conducted inside the jail premises by the Jail Authorities. On conducting the search of petitioner, namely, Tasveer Singh (petitioner in CRM-M-17140-2025), who was an IRB official, deputed in the jail itself, 5 packets of intoxicant substance, each weighing 3 grams, were recovered from his Turban and thus, the total contraband, i.e. 15 grams of heroin was recovered from him. He failed to produce any authorities/licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, he made a disclosure statement on 31.01.2025 and had stated that on 29.01.2025, he brought the recovered heroin, from one person, namely, Rahul, who gave the same to him to be supplied to Sunil Kumar @ Sonu (petitioner in CRM-M-49892-2025), who was already confined in the same Jail, i.e. Central Jail, Bathinda, thus, Sunil Kumar @ Sonu was also arrayed as an accused in the present case. He was arrested on 19.03.2025. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. Both the petitioners approached the Court of learned Judge, Special Court, Bathinda praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Bathinda declined the bail applications filed by both the petitioners vide orders dated 07.03.2025 and 22.07.2025, respectively. Hence being



aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsel for the petitioner, namely, Tasveer Singh (in CRM-M-17140-2025) has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the FIR has been lodged due to the *inter departmental* rivalry with the petitioner. He has submitted that admittedly the petitioner is employed in IRB and the recovery has been planted upon him. He has submitted that the recovery effected is in violation of mandatory provisions of Section 50 of NDPS Act. He has submitted that even otherwise, the alleged recovery effected is 15 grams of heroin, which is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 30.01.2025. He has submitted that though the petitioner is involved in one more case, however he is on bail in that case. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

5. Learned counsel for the petitioner, namely, Sunil Kumar @ Sonu (in CRM-M-49892-2025) has submitted that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that the petitioner has been implicated on the basis of disclosure statement of co-accused, namely, Tasveer Singh and the same in itself is not even an admissible evidence. He has submitted that the petitioner was already behind bars when the FIR was registered and he was arrested in the present case by way of production warrants on 19.03.2025. He has



submitted that false implication of the petitioner is writ large. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

6. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by counsel for the petitioners. He has submitted that the petitioner, namely, Tasveer Singh, is a police official, who while on duty, was found to be in possession of the illegal intoxicant substance. He has submitted that the recovery was effected during the search carried out in the jail. He has submitted that the same has been effected on due compliance of the provisions of NDPS Act. He has submitted that on disclosure statement of co-accused, namely, Tasveer Singh (petitioner in CRM-M-17140-2025), Sunil Kumar @ Sonu (petitioner in CRM-M-49892-2025) was nominated and thus, he was rightly arrayed as an accused in the present case. He has submitted that the complicity of both the petitioners have been established during the investigation. He, on, instructions, has submitted that the charges have been framed, however out of 18 prosecution witnesses, none has been examined so far. He has produced custody certificates of both the petitioners today in the Court and the same are taken on record.

7. Heard.

8. After hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery of 15 grams of heroin was effected from the petitioner, namely, Tasveer Singh (in CRM-M-17140-2025) and admittedly, the same is a non commercial quantity. Petitioner,



namely, Sunil Kumar @ Sonu (in CRM-M-49892-2025) has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused/petitioner, namely, Tasveer Singh. Custody certificate of the petitioner, namely, Tasveer Singh (in CRM-M-17140-2025) produced would show that the petitioner has completed the incarceration of 07 months and 11 days as on 13.09.2025 whereas the petitioner, namely, Sunil Kumar @ Sonu (in CRM-M-49892-2025) produced would show that the petitioner has completed incarceration of 09 days as on 13.09.2025 and he was already undergoing sentence in FIR No.69, dated 12.08.2019 and was arrested in the present case by way of production warrants dated 19.03.2025. Custody Certificate further shows that the petitioner, namely, Tasveer Singh is involved in one more case, however he is on bail in that case whereas the petitioner, namely, Sunil Kumar @ Sonu is involved in 17 other cases, however in 07 of the cases, he has been acquitted.

9. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioners succeed in making out a case for the grant of bail. Accordingly, both the petitions are allowed and the petitioners, namely, Sct. Tasveer Singh No.36/339 and Sunil Kumar @ Sonu are

ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner, namely, Sunil Kumar @ Sonu does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

15.09.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No
			JUDGE