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2025.PHHC:153053



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33869-2025 (O&M)
DECIDED ON: 06.11.2025

TARA SINGH ALIAS KALA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Bhavesh Aggarwal, Advocate, for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J (ORAL)

1. While considering the plea of bail, in the present petition, on 27.08.2025, it was noticed that already on 28.07.2025, petitioner has been granted the concession of bail by the lower Court. However, said order does not reflect any reference to the information earlier sought by the Court from the Ahlmad. Resultantly, on 27.08.2025, following order was passed by this Court:-

“i) Present petition has been filed under Section 483 of BNSs, seeking regular bail in case FIR No.92 dated 03.05.2025, under Sections 22, 25 of NDPS Act, 1985 (Section 29 of NDPS Act and Section 111 of BNS, 2023 were added later on), registered at Police Station City Jagraon, District Ludhiana Rural.

ii) Learned counsel for the petitioner submits that the instant petition has been rendered infructuous in view of the fact that the petitioner has already been granted bail by the learned Trial Court.

iii) It is noted that petitioner Tara Singh @ Kala had earlier filed a regular bail application before the Court below, which was dismissed on merits by the learned Judge, Special Court, Ludhiana, vide order dated 11.06.2025. Thereafter, the instant bail petition (CRM-M-33869-2025) was filed before this Court on

01.07.2025, vide Diary No. 10497836, and was listed for hearing for the first time on 08.07.2025 before the Coordinate Bench of this Court (Court No. 67), but was adjourned to 27.08.2025, i.e., today.

iv) With the assistance of Court staff, a printout of the case status and orders passed by the Trial Court has been obtained from the online portal. It is acknowledged that, during the pendency of the present petition before this Court, the petitioner filed another bail application before the Court of the learned District and Sessions Judge, Ludhiana, on 19.07.2025, which was registered as Bail Application No. 6352 dated 21.07.2025. When the said application was listed before the Court of Dr. Rajneesh, Additional Sessions Judge, Ludhiana, on 21.07.2025, the following order was passed:

“ Bail application has been received by entrustment today. It be registered. Since number of bail applications already fixed in between, adjourned to 28.07.2025. Notice of this bail application be given to respondent through ld. Addl.PP for the date fixed. Prosecution is also directed to furnish report on the following points:-

1. Whether any other bail application of applicant/accused is decided or pending in this FIR/Case proceedings before Hon'ble High Court or any other court.

2. Whether applicant/accused is convicted in any other case or not?

Record be also produced by the prosecution on that date. Concerned Ahlmad is directed to report after perusing C.I.System whether any matter pertaining to present FIR is pending or not before Hon'ble High Court or any other court.”

v) On 28.07.2025, considering the facts of the case, petitioner was granted bail by the same Court. However, order does not reflect any reference to the information earlier sought by the Court from the Ahlmad.

vi) A copy of this order be forwarded to the concerned Court which granted bail. The said Court is directed to submit a report clarifying whether there was any concealment in the bail application regarding the pendency of the petition already filed before this Court, and whether any report was submitted by the Ahlmad in compliance with the order dated 21.07.2025. The report should also address all other

relevant aspects. An explanation in this regard be forwarded to this Court within two weeks from today.

vii) List on 15.09.2025.”

2. In compliance to the direction passed by this Court, vide order dated 27.08.2025, report dated 12.09.2025 by the Court of learned Judge, Special Court, Ludhiana, has been placed on record, and by recording the contents of the affidavit, on 15.09.2025, following order was passed:-

“1. In compliance to the direction dated 27.08.2025, report forwarded vide letter No.220, dated 12.09.2025, by the Court of learned Judge, Special Court, Ludhiana, has been placed on record and perused by this Court.

For reference, relevant part of the said report is reproduced as under:-

“A perusal of the record reveals that the second bail application bearing no. BA/6352/2025 under Section 483 BNSS was presented on 21.07.2025. It was adjourned to 28.07.2025 for production of record. Notice to the State was also issued for the date fixed. At the same time, report regarding pendency of the bail application before the Hon'ble High Court or any other Court was also sought from the prosecution as well as the Ahlmad concerned. On the date fixed, i.e. 28.07.2025, the learned Addl. PP for the State appeared and filed reply to the bail application in which there was no mention regarding the pendency of the bail application before the Hon'ble High Court or any other Court. Though no report was filed by the Ahlmad in this regard. but due to rush of work, this fact was overlooked. However, believing the prosecution version, as submitted in its reply, I inadvertently proceeded further to decide the bail application. As is further revealed from the bail application and its supporting affidavit, the fact of pendency of the petition already! filed before the Hon'ble High Court was not disclosed by the applicant through learned counsel. Rather, it is categorically mentioned in the bail application as well as its supporting affidavit that it was the second bail application of the applicant under Section 483 BNSS. The supporting affidavit is duly sworn in by Baljit Kaur stated to be applicant's wife whose Aadhar card

is also attached. In the given set of circumstances, the bail application was inadvertently disposed of on 28.07.2025 due to the active concealment by the applicant through counsel regarding pendency of the petition already filed before the Hon'ble High Court. However, I undertake to remain more careful and vigilant in future and the inconvenience is highly regretted.

Submitted please.

Yours faithfully.

Sd/-

(Dr. Rajneesh),

*Judge Special Court,
Ludhiana”*

2. As per the aforesaid report, there was active concealment by the petitioner through his counsel regarding pendency of the petition already filed before this Court, and thus, he succeeded in obtaining the bail order from the trial Court by concealing the same.

3. To explain his position, petitioner is directed to file an explanation in the form of affidavit. Thereupon, it shall be examined on prima facie basis whether, in view of such concealment, the bail already granted by the trial Court requires to be recalled/dismissed or not.

4. List again on 06.11.2025.

5. Notice is accepted by learned counsel for the petitioner, who undertakes to do the needful.”

3. Learned counsel for the petitioner submits that, undoubtedly, there has been an error on the part of the petitioner and petitioner's wife, and explains that the same occurred due to their lack of awareness regarding the legal procedure, which inadvertently led to the commission of such a mistake.

4. Without delving further into this aspect, learned counsel for the petitioner submits that since petitioner has already been released on bail by the trial Court, vide order dated 28.07.2025, and in view of the affidavit dated 29.10.2025 sworn by the petitioner, he seeks pardon on his

own behalf as well as on behalf of his wife, namely Baljeet Kaur, and undertakes that no such mistake shall be repeated in the future.

5. Accordingly, the notarized affidavit dated 29.10.2025 is taken on record. Registry is directed to tag the same at the appropriate place in the file. Consequently, CRM-44282-2025 stands allowed.
6. In view of the affidavit submitted by the petitioner, no further direction is required to be issued in the present petition, as petitioner has already been released on bail by the trial Court.
7. Accordingly, present petition stands disposed of.

06.11.2025
Lavisha

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No