



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

CRM-M-61357-2025

Date of Decision: 13.11.2025

Harpal Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karandeep Singh Sidhu, Advocate for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present second petition praying for granting regular bail in case FIR No.52 dated 07.07.2024 under Sections 21(c) of the NDPS Act, (Sections 29/27-B of NDPS Act added lateron), registered at Police Station City Zira, District Ferozepur.

2. Succinctly the facts of the case are that on 07.07.2024, the police party while on patrolling, received a secret information to the effect that Harpal Singh @ Kala (petitioner), Kuldeep Singh @ Saba and Paramjit Kaur were involved in smuggling of heroin. It was informed that they were standing near Canal at Zira-Talwandi Bhai Highway waiting for their customers for selling the contraband. In case the raid is conducted, they could be arrested along with the contraband. On receiving the secret information, the raiding party reached at the place disclosed where a car was stopped in which two male and one female was travelling. On asking, the driver of the car disclosed his name to be Harpal Singh @ Kala (petitioner), the person sitting on the conductor seat disclosed his name to be Kuldeep Singh @ Saba and the female who was sitting at the back seat, disclosed her name to be Paramjeet Kaur. They were suspected to be carrying some contraband in the Car. On giving the offer, search was conducted. On conducting the search 989 grams of heroin was



recovered in a black coloured polythene from the front side of the car. They failed to produce any licence regarding possession of the same. Thus, FIR was registered and they were arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to the FSL. On receiving the FSL report, challan was presented. On framing the charges, trial commenced. The petitioner approached learned Judge, Special Court, Ferozepur for grant of bail, however, after hearing both the sides, the same was declined by the trial Court vide order dated 20.09.2024. Aggrieved by the same, petitioner earlier approached this Court by way of filing of CRM-M-49228-2024, which was dismissed as withdrawn on 22.05.2025. Hence, the petitioner is before this Court by way of filing the present second petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the order dated 22.05.2025 passed by this Court in **CRM-M-9597-2025**, whereby co-accused of the petitioner, namely, Kuldeep Singh @ Sabha, has been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He submits that out of total 16 prosecution witnesses, only 06 witnesses have been examined. He submits that the petitioner has no criminal antecedents. He submits that on the basis of the parity, petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who has already been granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner is specifically named in the secret information. However, he endorsed the fact that case of the petitioner is at par with that of co-accused, namely, Kuldeep Singh @ Sabha, who has been granted bail by this Court. He has produced the custody



certificate of the petitioner today in the Court and the same is taken on record and submits that the petitioner has no criminal antecedents.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the present FIR has been registered on the basis of secret information petitioner was named in the FIR. As submitted before this Court, out of total 16 prosecution witnesses, only 06 have been examined so far. Admittedly, co-accused of the petitioner, namely, Kuldeep Singh @ Sabha, has already been granted bail by this Court vide order dated 22.05.2025 passed in **CRM-M-9597-2025**. As per the custody certificate, the petitioner has completed the incarceration of 01 year, 04 months and 03 days as on 12.11.2025. It further reflects that the petitioner has no criminal antecedents.

6. 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.

7. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Thus, keeping in view the arguments raised by both the sides, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

13.11.2025

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(RAJESH BHARDWAJ)
JUDGE

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