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

CRM-M-70986-2025

Date of decision: 22.12.2025

MALKIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. L.S. Sekhon, Advocate with
Ms. Shefali, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.109 dated 26.10.2024 under Sections 21-C, 18 and 29 of NDPS Act, 1985 and Section 25 of Arms Act, 1959, registered at Police Station Sarai Amanat Khan, District Tarn Taran.

2. Succinctly the facts of the case are that 26.10.2024, an information was received from the office of COY commandant BOP Naushehra to the effect that on 25.10.2024, the officials were detailed for Kissan Guard Duty while harvesting paddy crops by using combine machine ahead of fence in alignment of BP No.123/32 and BFL Pole No.19, Kissan Guard Shyamal Roy observed farmer Kirpal Singh along with Kulwant Singh were trying to pick and hide one backpack (blue coloured) in their tractor trolley. The information was given regarding the same and thus, the officials of BSF arrived and they searched the packet sealed by both of them. On conducting the search, three packets wrapped

with yellow coloured adhesive tape, 02 pistols wrapped with adhesive tape. On

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opening of the packets, 3.166 Kgs of heroin was recovered and from the other packets, 02 pistols with 01 magazine were also recovered. They failed to produce any license regarding the possession of the same and both were arrested at the spot. FIR got registered and investigation commenced. During investigation, on the basis of disclosure statement of Kulwant Singh, the petitioner was nominated as an accused as the petitioner was already behind bars in some other case. Hence, he was arrested in the present case on production warrants on 01.03.2025. He approached the learned Additional Sessions Judge, Tarn Taran for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Tarn Taran declined the bail application vide order dated 06.10.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that evidently, the recovery in the present case had been effected from the co-accused, namely, Kulwant Singh and Kirpal Singh and both of them were arrested at the spot. The petitioner was admittedly behind bars in some other case. He was nominated as an accused on the basis of disclosure statement of Kulwant Singh, which is not an admissible evidence. He further submits that once, the petitioner was already behind bars and his false implication is writ large. He further submits that the petitioner is facing prosecution in one other case, however, he has already been released on bail by this Court vide order dated 09.12.2025. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made

by counsel for the petitioner. He submits that the recovery effected in the present

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case is 3.166 Kgs of heroin, which is commercial quantity, besides, there is a recovery of illegal weapons as well. However, he further submits that the complicity of the petitioner surfaced during the interrogation of the co-accused. On instructions, he submits that out of total 24 prosecution witnesses, none has been examined till date. He has produced custody certificate of the petitioner today in the Court and the same is taken on record. He further submits that petitioner is involved in two more cases, however, in one case, he has already completed his sentence.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was admittedly behind bars on the date of occurrence in the present case i.e. 26.10.2024. He has been nominated as an accused on the basis of disclosure statement. Thus, on production warrants, his custody was taken in the present case was 01.03.2025. Though, the petitioner was prosecuted in two more cases, however, in one case, he has already completed his sentence. Out of total 24 witnesses, none has been examined till date.

7. 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.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. 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



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9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

22.12.2025

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(RAJESH BHARDWAJ)
JUDGE

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