



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

204

**CRM-M-8545-2026 (O&M).
Date of Decision: 16.04.2026.**

Sunny @ Sunny Kabariya

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ashish Soi, Advocate for the petitioner.

Mr. Neeraj Madaan, Senior Deputy Advocate General, Punjab.

SANJAY VASHISTH, J. (Oral)

Petitioner-Sunny @ Sunny Kabariya, aged 24 years, has filed this petition under Section 483 of BNSS, 2023, seeking regular bail in case FIR No.2 dated 06.01.2024 under Sections 21 and 29 NDPS Act (Section 21-C NDPS Act added later on), registered at Police Station Special Task Force, STF Wing, SAS Nagar.

2. Learned counsel for the petitioner contends that on the basis of secret information received by the investigating team of the Special Task Force, alleging that accused Khushal Kumar @ Khushhal Kumar @ Kali, Gujjar and Shanni @ Shanni Kabaria (petitioner herein) were involved in the illegal trade of narcotic substances, present FIR came to be registered against them. During the course of investigation, the accused were arrested and, allegedly, 950 grams of heroin was recovered from the dicky of an Activa

scooter, along with an electronic weighing scale and empty pouches. It is further submitted that during further investigation, one co-accused, namely Priyanka Chopra, was implicated on the allegation that the contraband recovered from the possession of the petitioner and petitioner-accused Shanni @ Shanni Kabaria was meant to be delivered to her, and she was dealing in such contraband in connivance with another co-accused, Karandeep Singh @ Kalia @ Karandeep Kalia.

3. Learned counsel further submits that co-accused Priyanka Chopra has already been granted the concession of anticipatory bail by this Court, vide order dated 30.07.2024 passed in CRM-M-9895-2024 (Annexure P-2). Likewise, co-accused Karandeep Singh @ Kalia @ Karandeep Kalia has also been granted the concession of regular bail by this Court, vide order dated 20.05.2025 passed in CRM-M-61609-2024 (Annexure P-3). Similarly, co-accused Khushal Kumar @ Khushhal Kumar @ Kali Gujjar has also been granted the concession of regular bail by this Court, vide order dated 28.01.2026 passed in CRM-M-31811-2025 (Annexure P-4).

4. It is argued that the Aactiva scooter, from whose dicky the alleged recovery of 950 grams of heroin has been effected, does not belong to the petitioner, but the same is registered in the name of co-accused Priyanka Chopra, who has already been granted anticipatory bail by this Court (Annexure P-2).

5. Learned counsel further submits that petitioner had no knowledge of any contraband lying in the dicky of the scooter, as the same was not visible unless the seat was removed or the dicky was opened. Consequently, it would be incumbent upon the prosecution to establish that petitioner was in actual and conscious possession of the alleged contraband.

6. It is further argued that petitioner is 24 years of age and though earlier he was involved in two other cases, but he has already been acquitted in one case and is on bail in another case. Moreover, out of total 24 prosecution witnesses cited by the prosecution, none has been examined till date, and trial is likely to take a considerable length of time to conclude. Thus, counsel for the petitioner prays for grant of regular bail to the petitioner in the present case.

7. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, has filed status report dated 15.04.2026. He has also produced the custody certificate dated 15.04.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 02 years, 03 months and 06 days period inside jail.

8. On the other hand, learned State counsel is unable to dispute the factual assertions advanced by learned counsel for the petitioner before this Court today, including the present status of the trial. However, he submits that petitioner is involved in two other criminal cases.

It is also an admitted position that Activa scooter from the dicky of which 950 grams of heroin was allegedly recovered is not owned by the petitioner. Nevertheless, learned State counsel prays for dismissal of the present petition.

9. This Court has heard the submissions addressed by learned counsel for the parties and has perused the record available before it.

10. Admittedly, the Activa scooter from the dicky of which heroin weighing 950 grams was allegedly recovered, is not owned by the petitioner, but belongs to co-accused Priyanka Chopra, who has already been granted the concession of bail by this Court. It is further noticed that out of total 24 prosecution witnesses cited by the prosecution, none has been examined, till date. Consequently, conclusion of the trial is likely to take a considerable time.

11. Therefore, in view of the totality of the circumstances, nature of the allegations levelled against the petitioner, and the factors noticed here above, this Court deems it appropriate to grant the concession of bail to the petitioner. Consequently, prayer made in the **present petition is allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/ surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

14. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

- 15. **Petition stands disposed of.**
- 16. Pending application, if any, also stands disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

16.04.2026
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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No