



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-8687-2026
Decided on : 06.05.2026

Kulwinder Singh @ Kindu @ Kinda . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. L.S. Sekhon, Advocate
for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kulwinder Singh @ Kindu @ Kinda	0009	26.02.2025	S. 21 of NDPS Act, 1985 and S. 25 of Arms Act, 1959 and S. 111, 111(2) of BNS, 2023	Ajitwal	Moga

2. A secret information was received by the members of the police team to the effect that accused – Gurdeep Singh @ Manna @ Maan, and Kulwinder Singh @ Kndu @ Kinda (**petitioner herein**) are doing the illegal business of selling of heroin, and if a raid is conducted, even today, they both can be arrested with huge quantity of narcotic contraband and by using vehicle bearing registration No. HR26-DB-9535, make BMW X1 of blue colour are standing at the bridge of drain on the link road leading from



Village Chuhar Chak to Ajitwal and are waiting for customers for selling heroin. Thereupon, FIR in question was registered before even effecting actual recovery of heroin.

On conducting the raid, both accused (including petitioner herein) along with car, were apprehended and on search of the vehicle, under the driving seat of the car, one polythene bag containing 400 grams of heroin and one .32 bore pistol were recovered.

3. Learned counsel for the petitioner argues that as per allegations of the prosecution itself, co-accused – Gurdeep Singh @ Manna @ Maan, was found sitting on the driving seat of the car, which is stated to be registered in the name of his cousin, namely, Gurwinder Singh s/o Jaspal Singh. Thus, learned counsel submits that petitioner was merely occupying the co-passenger seat of the vehicle and was neither in control nor in possession thereof.

It is further argued that the alleged contraband was recovered from beneath the driving seat and, therefore, question as to whether petitioner had any conscious knowledge regarding the same, would be a matter to be adjudicated upon by the learned trial Court during the course of evidence.

Learned counsel further submits that the petitioner is aged about 38 years, he was never found involved in any other similar activity under the NDPS Act. Besides, petitioner is already inside jail for a period of about 01 year & 02 months, and the trial is not likely to conclude in the near future.

Therefore, in the given facts and circumstances, learned counsel prays for grant of concession of regular bail to the petitioner.



4. On the other hand, learned State counsel has filed the custody certificate dated 05.05.2026 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.

5. Learned State counsel, while opposing the prayer for bail, submits that the quantity recovered in the present case falls under the commercial category and, therefore, the rigours of Section 37 of the NDPS Act are attracted. It is contended that keeping in view the nature of allegations and gravity of the offence, the petitioner does not deserve any leniency.

However, learned State counsel does not dispute the factual assertions noticed here-above, particularly the period of incarceration undergone by the petitioner and the fact that he is not involved in any other case under the NDPS Act.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. It is noticeable that recovery in the present case has been effected from beneath the driving seat of the vehicle, whereas, petitioner was admittedly sitting on the co-passenger seat.

It is further not disputed that the vehicle in question was being driven by co-accused – Gurdeep Singh @ Manna @ Maan, and same is registered in the name of his cousin. Thus, question as to whether petitioner was in conscious possession of the contraband or had knowledge regarding the same, would be a matter to be adjudicated upon by the learned trial Court during the course of evidence.



It is also a matter of record that the petitioner is about 38 years of age, is not stated to be involved in any other case of similar nature, and is inside the jail for a period of more than 01 year and 02 months. Besides, out of total cited 16 prosecution witnesses, only 01 witness has been examined so far, which shows that the trial is not progressing at the required pace.

Thus, keeping in view the peculiar facts and circumstances of the present case, particularly the debatable issue regarding conscious possession of the petitioner, this Court is of the considered view that the rigours of Section 37 of the NDPS Act stand satisfied to a limited extent for the purpose of consideration of the present petition.

8. In view of the totality of facts and circumstances noticed here-above, and without expressing any opinion on the merits of the case, lest it may prejudice the outcome of the trial, this Court is of the considered view that further detention of the petitioner inside the jail would not serve any useful purpose. Accordingly, this Court deems it appropriate to extend the concession of regular 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.

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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is



expected to decide the case on the basis of complete evidence available on record.

11. 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.

12. **Petition stands disposed of.**

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

May 06, 2026
J.Ram

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