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

CRM-M-10251-2026

Date of Decision: 09.04.2026

Kulwinder Singh @ Lalli @ Goldy

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ketan Chopra, Advocate, for the petitioner.

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

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.134 dated 24.10.2025, registered under Sections 21, 25, 61, 85 of NDPS Act, 1985 (Section 29 of NDPS Act added lateron), at Police Station Sadar Raikot, District Ludhiana.

2. Succinctly, facts of the case are that on 24.10.2025, the police party while on patrolling received a secret information to the effect that Kulwinder Singh @ Lali @ Goldy (petitioner) is engaged in the business of selling heroin and today, he would go towards village Burj Hari Singh Wala via village Rupa Patti to sell the heroin on his motorcycle. It was informed that in case of barricading, he could be arrested alongwith the contraband. On receiving the information, barricading was laid and petitioner Kulwinder Singh @ Lali @ Goldy was arrested and from his search 100 grams of heroin and a motorcycle without documents were recovered. The FIR was registered and the investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Ludhiana praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 07.01.2026. Hence, the



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petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as per the case of the prosecution, the FIR was registered on the basis of the secret information. He submits that there is violation of Section 42 NDPS Act in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined. He submits that there is violation of the mandatory provisions of Section 50 of the NDPS Act. To buttress his arguments, he submits that even otherwise the alleged recovery effected from the petitioner is 100 grams of heroin, which is a non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. He further contends that though the petitioner has been falsely implicated in five other cases, however, he is on bail in the same. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. He submits that the petitioner is a habitual offender, who is involved in five other cases. He submits that 100 grams of heroin has been recovered from the petitioner. On instructions, he has submitted that out of total 11 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that as per the case of the prosecution, FIR in the present case



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was lodged on the basis of secret information. The alleged recovery in the present case was effected from a public. As contended before this Court, there is violation of Sections 42 and 50 of the NDPS Act, in the present case. Admittedly, the contraband recovered in the present case is a non-commercial quantity. The custody certificate would show that the petitioner has suffered incarceration of 05 months & 12 days as on 08.04.2026. It further shows that the petitioner is involved in five other cases, however, he is on bail in the same. No witness has been examined out of total 11 prosecution witnesses.

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. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

09.04.2026
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No