

2026:PHHC:054197



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

CRM-M-17613-2026**Date of Decision: 08.04.2026****KULDEEP SINGH @ KIPPI****.....Petitioner****Versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Manpreet Ghuman, Advocate
for the petitioner.

Mr. M.S. Toor, A.A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.182 dated 18.12.2024 registered under Sections 21/61//85 of NDPS Act at Police Station City Jalalabad, District Fazilka.

2. The brief facts of the case are that Kuldeep Singh @ Baggi (driver) and petitioner/Kuldeep Singh @ Kippi (pillion rider) were apprehended while travelling on a motorcycle. A polythene bag was found hanging from the handle of the motorcycle containing 437 grams of heroin.

3. The learned counsel for the petitioner submits that the petitioner was merely sitting on the motorcycle as a pillion rider and cannot be said to be in conscious possession of the contraband, particularly when the recovery was effected from a bag. Reliance is

placed on the judgments in *Prahlad Singh Versus State of Haryana, (2020) 2 RCR (Criminal) 597, Jorawar Singh @ Gora Versus State of Punjab, CRM-M-23804-2020 decided on 16.08.2021* and *Nirbhay Singh Versus State of Punjab, CRM-M-48617-2018 decided on 13.11.2018* to contend that when the recovery is being affected from one of the accused riding a two wheeler then the other accused cannot be said to be liable as he cannot be said to be in conscious possession at least for the purposes of the decision of the bail application.

4. On the other hand, the learned State counsel contends that the contraband was recovered from the motorcycle of Kuldeep Singh @ Baggi the driver and it cannot be said that the petitioner who was a pillion rider was unaware of the contents of the bag. Thus, the petitioner does not deserve the concession of regular bail.

5. I have heard the rival contentions of both the parties.

In the case of *Prahlad Singh's* case (supra), the bag was in possession of the pillion rider and the driver of the motorcycle was granted the concession of bail.

In the case of *Jorawar Singh's* case (supra), the petitioner who was a pillion rider was granted the concession of bail, though the driver-Jagsir Singh had also been granted bail.

In the case of *Nirbhay Singh's* case (supra), the petitioner was driving the motorcycle was granted bail when the recovery was effected from the co-accused Hira Singh, who was a pillion rider and holding a plastic bag.

6. Coming back to the facts of the present case, as has already been mentioned hereinabove, the bag was hanging from the handle of

the motorcycle of the driver and it would be a matter of adjudication

during Trial as to whether the petitioner who was a pillion rider was in concession possession of the same or not.

7. In view of the above, as also the fact that the petitioner is not an accused in any other FIR, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

8. Accordingly, the present petition is allowed. The petitioner/Kuldeep Singh @ Kippi S/o Shingara Singh is ordered to be released on bail in case FIR No.182 dated 18.12.2024 registered under Sections 21/61//85 of NDPS Act at Police Station City Jalalabad, District Fazilka subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

9. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(JASJIT SINGH BEDI)
JUDGE

08.04.2026	Whether speaking/reasoned	Yes/No
JITESH	Whether reportable	Yes/No