



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-21916-2026
Decided on : 29.04.2026

Sukhdev Singh . . . Petitioner(s)
Versus
Union Territory, Chandigarh . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Vivek Kathuria, Advocate, for the petitioner(s).

Mr. Manish Bansal, Public Prosecutor, UT Chandigarh.

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
Sukhdev Singh	02	05.01.2025	S. 21 of NDPS Act, 1985 [S. 22/29/27A of NDPS Act, 1985 and S. 111 of BNS, 2023, added later on]	ANTF	Chandigarh

2. Initially, FIR in the present case was registered only under Section 21 of the NDPS Act, 1985, when on 05.01.2025 accused – Gautam was arrested along with heroin weighing 70 grams. On the basis of the disclosure statement of accused – Gautam, another accused – Rohit was arrested on 07.01.2025 along with heroin weighing 10.30 grams. Thereafter, first challan against accused – Gautam and Rohit was presented on 02.03.2025.

Further, on the basis of disclosure statement, another co-accused



– Mohit Kumar was also arrested on 15.03.2025. However, no substantial recovery was effected from him. Prosecution further alleged that on the basis of disclosure statement of Mohit Kumar, though nothing was recovered from his possession, however, one more accused, namely – Vijay Kumar, was arrested on 15.03.2025 along with cocaine weighing 6.05 grams and currency notes amounting to Rs.35,000/-. Another accused – Rajat was also arrested on 16.03.2025 on the basis of disclosure statement of co-accused – Vijay Kumar.

3. After completion of investigation, first supplementary challan against the remaining aforesaid accused persons was presented on 14.05.2025. Thereafter, another accused - Sukhdev Singh (petitioner herein) was arrested on 14.12.2025 along with heroin weighing 19.93 grams and one Bullet motorcycle allegedly belonging to co-accused – Mohit Kumar. Consequently, second supplementary challan was presented on 10.02.2026. However, this time, challan was submitted under Sections 21, 22, 29 and 27A of the NDPS Act, 1985 read with Section 111 of the BNS, 2023.

4. Considering the allegations against the co-accused – Mohit Kumar that he was allegedly managing drug money of co-accused – Vijay Kumar, though nothing was recovered from his possession and the quantity of contraband allegedly connected with him was only 6.05 grams of cocaine recovered from Vijay Kumar, accused – Mohit Kumar was granted concession of regular bail by this Court vide order dated 21.08.2025 passed in CRM-M-28552-2025 (O&M) and connected matter titled *Mohit v. Union Territory, Chandigarh* (Annexure P-5). Co-accused Rajat was also granted regular bail vide the same order.



Besides, co-accused – Vijay, from whose possession 6.05 grams of cocaine was recovered, was also granted concession of regular bail by this Court vide order dated 27.05.2025, passed in CRM-M-28308-2025 (O&M), titled as, “*Vijay Kumar v. Union Territory, Chandigarh*” (Annexure P-4).

5. Thereafter, second supplementary challan was filed by the prosecution agency on 10.02.2026 against petitioner – Sukhdev Singh, additional offences under Sections 22, 29 and 27A of the NDPS Act, 1985 and Section 111 of the BNS, 2023 were invoked. While presenting the challan, it was mentioned in the official report that Section 27A of the NDPS Act along with Section 111 of the BNS, 2023 were also invoked against the co-accused – Mohit Kumar, though he had already been sent up to face trial earlier.

However, apprehending arrest, co-accused – Mohit Kumar, approached this Court by filing anticipatory bail, i.e., CRM-M-21053-2026, titled as “*Mohit Kumar v. UT Chandigarh*”, wherein, after detailed deliberations, same was also allowed by this Court vide order dated 18.04.2026.

In support of his contention, learned counsel produced copy of order dated 18.04.2026, same is taken on record.

Accordingly, in view of above given facts & circumstances and also on the ground of parity, learned counsel for the petitioner prays for grant of regular bail to the petitioner.

6. On the other hand, learned PP, UT Chandigarh has filed custody certificate dated 28.04.2026, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.



A copy thereof has been handed over to the counsel for the petitioner.

7. Learned PP, UT Chandigarh, while opposing the contentions of learned counsel for the petitioner, argues that through recovery from the petitioner is 19.93 grams of heroin (non-commercial quantity), however, petitioner is habitual offender and is involved in 06 other cases, and in this regard, he refers paragraph No.9 of the present petition.

He further submits that though in all six cases, except in one case, no narcotic contraband was recovered from the possession of the petitioner and accordingly, he has been released on bail almost in five cases.

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

9. Before advertng to the factual matrix of the case and to adjudicate upon the instant regular bail petition, it is considered appropriate to refer to the details of other cases, as mentioned in paragraph No. 9 of the present petition.

Same is reproduced here-under:-

<i>S. No.</i>	<i>FIR No. & Date</i>	<i>Police Station</i>	<i>Under Sections</i>	<i>Recovery</i>	<i>Status</i>
<i>i.</i>	<i>229/08.09.2021</i>	<i>Lopoke, Amritsar</i>	<i>21 NDPS</i>	<i>No recovery</i>	<i>On Bail</i>
<i>ii.</i>	<i>67/20.04.2022</i>	<i>Lopoke, Amritsar</i>	<i>21 NDPS</i>	<i>No recovery</i>	<i>On Bail</i>
<i>iii.</i>	<i>244/15.12.2022</i>	<i>Lopoke, Amritsar</i>	<i>21 NDPS</i>	<i>50 gm heroin</i>	<i>On Bail</i>
<i>iv.</i>	<i>36/2024</i>	<i>SSOC, Amritsar</i>	<i>21/25/27A/29 NDPS</i>	<i>No recovery</i>	<i>On Bail</i>
<i>v.</i>	<i>134/11.06.2025</i>	<i>Lopoke, Amritsar</i>	<i>21/29 NDPS</i>	<i>No recovery</i>	<i>On Bail</i>
<i>vi.</i>	<i>01/01.01.2026</i>	<i>Sector 14, Panchkula</i>	<i>21 NDPS</i>	<i>No recovery</i>	<i>In custody</i>

A perusal thereof reflects that in the majority of the cases registered against the petitioner under the NDPS Act, either no recovery has



been effected or the recovery is minimal in nature, and the petitioner already stands released on bail in almost all such cases, except one wherein he is in custody. In the present case, the petitioner has been nominated at a later stage, i.e. on 14.12.2025, and a recovery of 19.93 grams of heroin, being non-commercial in nature, is effected from his possession. The allegations against him primarily emanate from the disclosure statements of co-accused and the subsequent investigation conducted by the police.

It is also not in dispute that the co-accused, namely, Mohit Kumar and Vijay Kumar, against whom allegations of financing and handling of drug money were levelled, and from whom comparatively lesser or no recovery was effected, have already been granted the concession of regular bail by this Court. Even *qua* co-accused Mohit Kumar, despite invocation of Section 27A of the NDPS Act at a subsequent stage, concession of anticipatory bail has been granted. Thus, case of the present petitioner deserves consideration on the ground of parity.

Furthermore, although an objection has been raised by learned State counsel regarding the petitioner's involvement in other cases, it is evident that in most such cases no recovery has been effected and the petitioner stands enlarged on bail; hence, mere involvement in other cases, in the absence of any substantial recovery or conviction, cannot operate as an absolute bar to the consideration of the present petition.

10. It is further noticeable that the recovery effected in the present case is of non-commercial quantity and, therefore, the rigours of Section 37 of the NDPS Act, are not strictly attracted. Keeping in view the overall facts and circumstances of the case, particularly the nature of allegations, the



quantity involved, and the principle of parity, and without expressing any opinion on the merits of the case, this Court is of the considered view that further detention of the petitioner inside the jail would not serve any useful purpose. Accordingly, petitioner is held entitled to the concession of regular bail.

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.

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

12. 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.

13. 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.

14. Petition stands **disposed of**.

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

(SANJAY VASHISTH)
JUDGE

April 29, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No