



260

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

**CRM-M No.24447 of 2026
Date of Decision: 06.05.2026**

Kartik

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.33, dated 18.02.2026, under Section 21(b) of NDPS Act (Section 29 of NDPS Act added later on), registered at Police Station Division No.2, District Pathankot. Further prayer has been made for granting interim bail to the petitioner during the pendency of the present petition.

2. Succinctly, the facts of the case are that the police party was on patrolling on 18.02.2026 and when they reached near Cheema Petrol Pump, they saw two young men coming on a white colour Activa scooter towards Dhaki railway crossing side. However, the same was signalled to stop. Driver of the Activa scooter got perplexed and tried to turn back the same towards an empty space. However, on suspicion, both were



apprehended by the police party. On asking, driver of the scooter disclosed his name to be Jimmy Kaushal and the person sitting behind disclosed his name to be Lalit @ Lali. They were suspected to be carrying some contraband in the Aactiva scooter and thus, search of the same was conducted. On conducting the search of the scooter, a heroin like narcotic substance wrapped in a white polythene bag was recovered from the dicky compartment of the scooter. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. The samples taken were sent to the FSL. On receipt of the FSL report, the contraband recovered was found to be 5 grams 86 milligrams of heroin including the polythene. On registration of the FIR, the investigation commenced. During the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case being the supplier of the contraband. Resultantly, the petitioner was arrested on 19.03.2026. The petitioner approached the Court of learned Judge, Special Court, Pathankot praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Pathankot declined the bail application filed by the petitioner vide order dated 03.04.2026. Hence being aggrieved, the petitioner is before this Court praying for the grant of regular bail by way of filing the present petition.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner was named in the FIR nor any recovery has been effected from him, however he has been implicated in the present case



only on the basis of disclosure statement of co-accused, which in itself is not even an admissible evidence. He has submitted that the recovery of 5.086 grams of heroin has been effected in the present case from the co-accused and not from the petitioner. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has submitted that even otherwise, the alleged recovery effected from the co-accused in the present case is marginally above the small quantity. He has submitted that though the petitioner is facing prosecution in other cases, however, he is on bail in all those cases. He has submitted that the petitioner is behind bars since 19.03.2026, however, there is no material progress in the trial. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been *prima facie* established during the investigation. He has submitted that the petitioner was found to be the supplier of the contraband recovered from the co-accused. He has submitted that the petitioner is involved in other cases as well. He has further submitted that the case is under investigation. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the recovery of 5.086 grams of heroin has been



effected in the present case from the co-accused. The petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. The contraband recovered in the present case from the co-accused is marginally above the small quantity. As submitted before this Court by learned counsel for the State, the case is under investigation. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 month and 14 days as on 05.05.2026. It further reflects that the petitioner is involved in 03 more cases, however, he is on bail in all the cases.

7. 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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

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

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

06.05.2026

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(RAJESH BHARDWAJ)
JUDGE

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