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

CRM-M No.28389 of 2026

Date of Decision: 04.06.2026

Kirpal Singh @ Pala @ Gural Singh @ Gurala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Arshdeep S. Khaira, 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.109, dated 30.04.2023, under Sections 21(b), 61 & 85 of NDPS Act, registered at Police Station City Tarn Taran, District Tarn Taran.

2. Succinctly, the facts of the case are that the police party was on patrolling on 30.04.2023 and when they reached Mod Purana Bypass near Muradpur, they saw three young persons standing on the road going towards village Pandori Gola and talking among themselves. They all were carrying heavy polythene bags in their hands. On seeing the police party, they got perplexed and threw the heavy polythene bags, which they were holding in their hands, and tried to ran away. However, on suspicion, all

were apprehended by the police party. On asking, they disclosed their names to be Kirpal Singh @ Pala, i.e. the petitioner; Mahavir Singh @ Preet and Sukhjit Singh. They were suspected to be carrying some contraband in the polythene bags being thrown by them and thus, search of the same was conducted. On conducting the search of the polythene being thrown by Kirpal Singh @ Pala, i.e. the petitioner, 22 grams of heroin was recovered, whereas on conducting the search of the polythene bag being thrown by Mahavir Singh @ Preet, 13 grams of heroin was recovered and from the polythene bag being thrown by Sukhjit Singh, 15 grams of heroin was recovered and thus, in total 50 grams of heroin was recovered from all of them. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all the accused were arrested on the spot. The samples taken were sent to the FSL. On registration of the FIR, the investigation commenced. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Tarn Taran praying for the grant of regular bail and he was granted the same vide order dated 01.07.2023, however, as he remained absent, his bail was cancelled on 03.12.2024 and non bailable warrants were issued against him on 04.02.2025. Thereafter, he was again arrested on 09.06.2025 in another case bearing FIR No.207, dated 19.12.2024, , under Sections 109 and 3(5) of BNS and Sections 25 & 27 of Arms Act (Section 238 BNS added later on), registered at Police Station Khalra, District Tarn Taran and since then, he is behind bars. 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 the alleged recovery effected from the petitioner is 22 grams of heroin, which is admittedly a non commercial quantity and even otherwise, the total recovery effected in the present case is 50 grams of heroin, which is also a non commercial quantity. He has submitted that the petitioner was earlier granted the concession of bail by the learned trial Court vide order dated 01.07.2023, however, as he remained absent, hence his bail was cancelled and nonailable warrants were issued against him vide order dated 04.02.2025. He has submitted that thereafter, he has been arrested on 09.06.2025 in another case bearing FIR No.207, dated 19.12.2024, under Sections 109 and 3(5) of BNS and Sections 25 & 27 of Arms Act (Section 238 BNS added later on), registered at Police Station Khalra, District Tarn Taran and since then, he is behind bars. He has submitted that the petitioner has already been granted the concession of bail in the abovementioned FIR No.207 by this Court vide order dated 23.03.2026 passed in CRM-M-68460-2025. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. He has further submitted that as the recovery, i.e. 22 grams of heroin, effected from the petitioner is a non commercial quantity, the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner is behind bars from last more than 11 months, however, till date, 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 the petitioner has been specifically named in the FIR. He has submitted that the contraband weighing 22 grams of heroin was allegedly recovered from the petitioner and in total, 50 grams of heroin was recovered from all three accused in the present case. He has further submitted that the petitioner has misused the concession of bail already granted to him by the learned trial Court vide order dated 01.07.2023 and thereafter, as he remained absent, his bail was cancelled vide order dated 03.12.2024 and non bailable warrants were issued against him on 04.02.2025. He has submitted that the petitioner was again arrested on 09.06.2025 in another case bearing FIR No.207, dated 19.12.2024 and since then, he is behind bars. He has submitted that the petitioner is involved in 02 other cases. He, on instructions, has submitted that out of total 10 prosecution witnesses, only 02 witnesses have been examined so far.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner was 22 grams of heroin. Admittedly the same is a non commercial quantity. The petitioner was earlier granted the concession of bail by the learned trial Court vide order dated 01.07.2023, however, as he failed to appear before the learned trial Court his bail was cancelled and non bailable warrants were issued against him, thereafter, the petitioner

was arrested on 09.06.2025 in another case bearing FIR No.207, dated 19.12.2024 and since then, he is behind bars. Out of total 10 prosecution witnesses, only 02 witnesses have been examined so far.

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. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

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

04.06.2026

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(RAJESH BHARDWAJ)
JUDGE

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