



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

CRM-M-30939-2026

Date of Decision:27.05.2026

Sarbjit Singh @ Tidda

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. M.S Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 of B.N.S.S (438 Cr.P.C) with a prayer to grant anticipatory bail to him in case FIR No.168, dated 25.11.2025 under Sections 21-B and 29 (added lateron) of NDPS Act, registered at Police Station Sirhali, District Tarn Taran (Annexure P-1).
2. The FIR in the present case was registered on the basis of the statement made by Sukhwinder Singh, H.C and the same has been reproduced below:-

*“Station House Officer, Sirhali Police Station
"Jai Hind" Today, I, HC, along with ASI/LR Gurdeep Singh
No. 1066/T.T., ASI/LR Talwinder Singh No. 1549/T.T., CT
Harbhagwan Singh No. 1696/T.T., PHG Jagdev Singh No.
4854, along with laptop, printer kit bag, on a government
vehicle, driven by LR/ASI Surjit Singh No. 1782/T.T., were
patrolling in search of bad and suspicious elements and
were going from Police Station Sirhali towards Thathian
Mahanta, Sakri etc. When the police party, while patrolling,*



reached near the stadium built on Thathian Mahanta to Sakri road, then one clean-shave young man was seen coming on foot from the Sakri side, who on seeing the police party vehicle, took out one heavy polythene packet from the right pocket of his worn lower and threw it in the grass on the roadside and himself suddenly started moving backwards in haste. I HC stopped the vehicle and apprehended him with the help of fellow official and asked about his name and address, who disclosed his name as Karanjit Singh @ Karan S/o Sukhdev Singh, resident of Patti Baba Bulle Shah, Thathian Mahanta, Police Station Sirhali, District Tarn Taran. I, HC, while making him aware of his legal rights, informed him and served notice under Section 50 of the NDPS Act. When the above said person was asked regarding the polythene packet thrown by him on the ground, he stated that heroin was contained in the said polythene packet. Before conducting the search, efforts were made at the spot to join a public witness in the police party, but everyone expressed their personal inability and no one could join the party. Thereupon, as per my directions, in the presence of accompanying officials, the said Karanjit Singh was made to pick up the heavy polythene packet thrown by him on the road and produce it before me. On opening and checking the same, heroin-like substance was recovered from it. The recovered heroin-like substance, when checked with the drug kit and was found to be heroin. The recovered heroin was weighed with the help of an electronic scale and along with the polythene packet, therefore 09 grams heroin was recovered. Thereupon, the recovered 09 grams heroin was again put in the same black coloured polythene packet and then placed in a plastic container and parcel cloth was prepared, and the parcel cloth was sealed by me, HC, with my seal "SS". The case



property parcel containing recovered 09 grams heroin duly sealed with seal “SS” was taken into police possession as case property vide separate recovery memo as an article of evidence. Sample seal was prepared separately. Seal after use was handed over to ASI/LR Talwinder Singh No. 1549/T.T. Since the above said accused Karanjit Singh @ Karan S/o Sukhdev Singh had kept 09 grams heroin in his possession and thereby committed offence under Sections 21-B/61/85 of the NDPS Act. At the spot, compliance of Section 105 BNSS was carried out in letter and videography was also conducted through the E-Sakshya App. By writing the present ruqa and taking its printout with the help of printer, the same is being sent through PHG Jagdev Singh No. 4854 to the police station for registration of a case against accused Karanjit Singh @ Karan S/o Sukhdev Singh, resident of Patti Baba Bulle Shah, Thathian Mahanta, Police Station Sirhali. After registration of the case, the case number be intimated. Special reports be issued and sent to the Area Magistrate and senior officers. Information be conveyed to the Police Control Room. I, HC, along with accompanying officials, busy in investigation at the spot. Today at the above said area near Stadium, Sakri Road, Thathian Mahanta at 05:10 PM. Sd/- Sukhwinder Singh, HC Police Station Sirhali dated 25.11.2025.

3. Learned counsel for the petitioner submits that the petitioner was neither named in the F.I.R nor there was any averment, which even remotely connected him with the commission of crime. Even, during the course of investigation, no incriminating evidence could be collected against the petitioner and he had no concern with the alleged recovery made from his co-accused. He further contends that it has been alleged that during the process of



investigation, his co-accused suffered confession in police custody and on the strength of the same, the petitioner is sought to be implicated in the present case. He also relied upon the law laid down by the Hon'ble Supreme Court in the matter of "**Toofan Singh Vs. State of Tamil Nadu**" 2021 (1) RCR CrL (01) to contend that the disclosure statement suffered by co-accused before the police was inadmissible in evidence against the petitioner.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a supplier, who had supplied the heroin to Karanjit Singh @ Karan, who was apprehended at the spot. Apart from that, the petitioner is involved in one more FIR No.47, dated 02.04.2026, under Sections 21-B, 27-A of NDPS Act, Police Station Sirhali, District Tarn Taran and is a habitual offender. Thus, the petitioner does not deserve the concession of anticipatory bail by this Court.

5. I have heard the learned counsel for the parties and perused the record carefully.

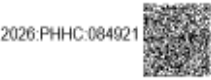
6. The Hon'ble Supreme Court in the matter of "***State of Haryana Vs. Samarth Kumar***", 2022 LiveLaw (SC) 622, wherein the Hon'ble Supreme Court held as follows:-

*"4. The High Court decided to grant pre-arrest bail to the respondents on the only ground that no recovery was effected from the respondents and that they had been implicated only on the basis of the disclosure statement of the main accused Dinesh Kumar. Therefore, reliance was placed by the High Court in the majority judgment of this Court in **Tofan Singh v. State of Tamil Nadu** reported in (2021) 4 SCC 1.*



5. *But, it is contended by the learned Additional Advocate General appearing on behalf of the State of Haryana that on the basis of the anticipatory bail granted to the respondents, the Special Court was constrained to grant regular bail even to the main accused-Dinesh Kumar and he jumped bail. Fortunately, the main accused-Dinesh Kumar has again been apprehended. According to the learned Additional Advocate General, the respondent in the second of these appeals is also a habitual offender.*
6. *Learned counsel appearing on behalf of the respondent in the first of these Appeals contends that the State is guilty of suppression of the vital fact that the respondent was granted regular bail after the charge-sheet was filed and that therefore, nothing survives in the appeal. But, we do not agree.*
7. *The order of the Special Court granting regular bail to the respondents shows that the said order was passed in pursuance of the anticipatory bail granted by the High Court. Therefore, the same cannot be a ground to hold that the present appeals have become infructuous.*
8. *In cases of this nature, the respondents may be able to take advantage of the decision in **Tofan Singh v. State of Tamil Nadu (supra)**, perhaps at the time of arguing the regular bail application or at the time of final hearing after conclusion of the trial.”*

7. In the present case also, the police had arrested Karanjit Singh @ Karan and heroin was recovered from him. During investigation, Karanjit Singh @ Karan disclosed that the heroin was supplied to him by the present petitioner. Apart from that, in the present case, the custodial interrogation of the petitioner would be required to know the source, from where the petitioner was getting the



heroin and names of the others persons, to whom he had supplied the contraband. Apart from that, even the money earned by him by selling the contraband is yet to be recovered by the police.

8. Thus, findings no merits, the present petition is ordered to be dismissed.

(N.S.SHEKHAWAT)
JUDGE

27.05.2026
hitesh

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No