224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 12.01.2026

1. CRM-M-47217-2025

SUKHDEV SINGH @ SUKHWINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

2. CRM-M-46718-2025

TARSEM SINGH ALIAS SEMA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

3. CRM-M-49188-2025

SATPAL SINGH ALIAS PALA SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Abhaysher Singh, Advocate and
Mr. K.S. Sidhu, Advocate for the petitioners.
(in CRM-M Nos.47217 & 46718 of 2025)

Mr. Kulbhushan Raheja, Advocate for petitioner.
(in CRM-M No.49188-2025)

Mr. Sandeep Kumar, DAG, Punjab.

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SUBHAS MEHLA, J. (ORAL)

1. This order shall dispose of the above-mentioned petitions as all are arising from the same FIR. For the sake of brevity, facts are borrowed

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from ***CRM-M-47217-2025*** titled as ***Sukhdev Singh @ Sukhwinder Singh vs. State of Punjab.***

2. By way of the present petitions filed under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners are seeking regular bail in case FIR No.272 dated 03.12.2022 registered under Section 21(c) and 23 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Section 25 of Arms Act (Sections 29 and 27-B of NDPS Act added later on) at Police Station Sadar Fazilka, District Fazilka.

3. Learned counsel for the petitioners contended that case of the present petitioners is at par with co-accused, namely, Dular Chand Dass @ Dular Chand @ Sonu, Kuldeep Singh @ Sonu and Ravi Kumar @ Ravi, who have been granted the concession of regular bail by Co-ordinate Benches of this Court vide orders dated 25.09.2023, 10.10.2023 and 02.12.2023 passed in ***CRM-M Nos.36097, 43580 and 51845 of 2023*** respectively; the petitioners are falsely involved in the present case as they were confined in jail in some other case at the time of commission of offence; on the basis of disclosure statement, all the petitioners have been impleaded as accused in the present case, which is inadmissible in evidence; no recovery has been effected from the present petitioners as recovery has already been made by the investigating agency before their arrest. As such, the petitioners deserve to be granted the concession of regular bail.

4. Learned State counsel filed custody certificates of the petitioners-Sukhwinder Singh @ Sukhdev Singh and Tarsem Singh @ Sema as well as reply dated 10.01.2026 by way of affidavit of PPS, Deputy Superintendent of Police, Sub Division Fazilka. The same are taken on record. Learned State

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counsel on instructions from ASI Ramandeep Kumar, opposed the prayer made by the petitioners and submitted that huge quantity of heroin was recovered in the present case, however, he fairly admitted that case of the petitioners is on same footing with co-accused Dular Chand Dass @ Dular Chand @ Sonu, Kuldeep Singh @ Sonu and Ravi Kumar @ Ravi, who have already been granted the concession of regular bail by Co-ordinate Benches of this Court and the orders granting regular bail to them was not challenged.

5. Heard.

6. Keeping in view the facts and circumstances of the present cases and the fact that case of the present petitioners is on same footing with co-accused, namely, Dular Chand Dass @ Dular Chand @ Sonu, Kuldeep Singh @ Sonu and Ravi Kumar @ Ravi, who have been granted the concession of regular bail by Co-ordinate Benches of this Court vide orders dated 25.09.2023, 10.10.2023 and 02.12.2023 passed in ***CRM-M Nos.36097, 43580 and 51845 of 2023*** respectively; the present petitioners have been involved only on the basis of disclosure statement; no recovery has been effected from the present petitioners as recovery has already been made by the investigating agency before their arrest and no fruitful purpose would be served by keeping them in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both parties and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioners.

7. Therefore, without expressing any opinion on the merits of the case, the present petitions filed by Sukhdev Singh @ Sukhwinder Singh,

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Tarsem Singh @ Sema and Satpal Singh @ Pala Singh are allowed. The petitioners are ordered to be released on regular bail on their furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. A photocopy of this order be placed on the file of other connected cases.

9. Observations made hereinabove are only for the purpose of disposal of aforementioned bail petitions, lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

(SUBHAS MEHLA)
JUDGE

January 12, 2026
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(i) Whether speaking/reasoned Yes/No

(ii) Whether reportable Yes/No

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