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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46891-2025

Date of Decision: 30.03.2026

DHARVINDER SINGH @ DHARMINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The petitioner seeks grant of regular bail under Section 483 of BNSS, 2023 in case bearing FIR No.111 dated 08.11.2024 registered under Section 22 of NDPS Act (Section 29 of NDPS Act and Section 111 of BNS, 2023 added later on) at Police Station Banur, District Patiala.

2. The brief facts of the case are that Sandeep Singh (driver), petitioner/Dharvinder Singh (pillion rider) were apprehended while travelling on a motorcycle. A bag was found hanging from the handle of the motorcycle containing 700 tablets of Tramadol Hydrochloride.

3. The learned counsel for the petitioner submits that the petitioner was merely sitting on the motorcycle as a pillion rider and cannot be said to be in conscious possession of the contraband,



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particularly when the recovery was effected from a bag. Reliance is placed on the judgments in **Prahlad Singh Versus State of Haryana, (2020) 2 RCR (Criminal) 597, Jorawar Singh @ Gora Versus State of Punjab, CRM-M-23804-2020 decided on 16.08.2021** and **Nirbhay Singh Versus State of Punjab, CRM-M-48617-2018 decided on 13.11.2018** to contend that when the recovery is being effected from one of the accused riding a two wheeler then the other accused cannot be said to be liable as he cannot be said to be in conscious possession at least for the purposes of the decision of the bail application.

4. On the other hand, the learned State counsel contends that the contraband was recovered from the motorcycle of Sandeep Singh the driver and it cannot be said that the petitioner who was a pillion rider was unaware of the contents of the bag. Thus, the petitioner does not deserve the concession of regular bail.

5. I have heard the rival contentions of both the parties.

In the case of **Prahlad Singh's** case (supra), the bag was in possession of the pillion rider and the driver of the motorcycle was granted the concession of bail.

In the case of **Jorawar Singh's** case (supra), the petitioner who was a pillion rider was granted the concession of bail, though the driver-Jagsir Singh had also been granted bail.



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In the case of Nirbhay Singh's case (supra), the petitioner was driving the motorcycle was granted bail when the recovery was effected from the co-accused Hira Singh, who was a pillion rider and holding a plastic bag.

6. Coming back to the facts of the present case, as has already been mentioned hereinabove, the bag was hanging from the handle of the motorcycle of the driver and it would be a matter of adjudication during Trial as to whether the petitioner who was a pillion rider was in concession possession of the same or not.

7. In view of the above, as also the fact that the petitioner is not an accused in any other FIR, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

8. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail in case FIR No.111 dated 08.11.2024 registered under Section 22 of NDPS Act (Section 29 of NDPS Act and Section 111 of BNS, 2023 added later on) at Police Station Banur, District Patiala subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

9. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(JASJIT SINGH BEDI)
JUDGE

30.03.2026 Whether speaking/reasoned Yes/No
JITESH Whether reportable Yes/No