



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

137

CRA-D-1397-2024 (O&M)
Date of Decision: 15.01.2026

SANDEEP SINGH @ KALA

... APPELLANT

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Anmol, Advocate, for the appellant.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

SANJIV BERRY, J.

CRM-40825-2024

In view of reasons mentioned in the application, delay of 04 days in filing of the appeal (CRA-D-1397-2024) is condoned.

Accordingly, CRM-40825-2024 is allowed.

CRM-46843-2025

The instant application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for placing on record the copy of CD drive showing the video footage as (Annexure A-1), copy of photographs as (Annexure A-2), copy of granting bail to the co-accused as Annexure A-3 and copy of zimni orders as (Annexure A-4) and for exemption from filing certified copies of the same.



Heard. In view of the averments made in the application, the same is allowed, subject to all just exceptions.

CRA-D-1397-2024 (O&M)

1. The instant appeal has been preferred by the appellant against the impugned judgment dated 05.09.2024 passed by the Additional Sessions Judge, Tarn Taran dismissing the regular bail application filed by Sandeep Singh alias Kala (appellant) who is in custody since 08.08.2022 in FIR No. 118 dated 08.08.2022, Police Station Verowal, Tarn Taran, in respect of the offences punishable under Sections 18, 21, 25 and 29 of the NDPS Act, Section 25(6), 25(7) of the Arms Act, Sections 4, 5 of the Explosive Act, Section 10, 11 and 12 of Aircraft Act 1934, Section 120-B IPC and Sections 13, 16, 17, 18, 18(B)/20 of the Unlawful Activities (Prevention) Act, 1967 (Amended in 2012) (for short "UAPA Act").

2. Briefly stating the facts of the case are that on 08.08.2022, Inspector Harpreet Singh while being on patrol duty received a secret information that Gurwinder Singh @ Baba @ Raja son of Gurmeet Singh along with appellant Sandeep Singh @ Kala used to smuggle narcotics, weapons and explosive substance across Indo-Pak border and then used to supply the same in different cities. Further with the explosive material, possibility of some untoward incident taking place on Independence Day cannot be ruled out. It was also apprised by the secret informer that the aforesaid persons were coming in the area of Verowal and Khadur Sahib in a Lancer car, bearing No.PB 02 BB 4572. Finding the information reliable, Ruqa was sent to the police station and case was registered and a naka was laid at the disclosed place by Davinder Singh, DSP(D) along with police party, the aforesaid car was signalled to stop but the driver tried to



run away by speeding up the car but the car was stopped by the police party. The person driving the car disclosed his name as Gurwinder Singh @ Baba @ Raja while the other occupant disclosed his name as Sandeep Singh @ Kala. Their search was conducted in accordance with law leading to recovery of Narcotic substance besides weapons, ammunition and currency notes totaling to ₹3,81,500/- which were taken into police possession and the accused were formally arrested.

3. We have heard learned counsel for the parties.

4. It is the *inter alia* contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case, no alleged recovery has been effected from the appellant, in fact he was taken away from the house of his brother-in-law and false case was planted on him. She has referred to the CCTV footage (Annexure A-1) in this regard and also claimed that some other co-accused have been granted concession of bail vide order dated 26.11.2024 (Annexure A-3) passed in CRA-D-1035-2022, CRA-D-36-2023 and CRA-D-317-2023. She submits that the appellant is in custody since 08.08.2022 and the conclusion of prosecutions case will take sufficient time, hence prayed for grant of regular bail and acceptance of the present appeal.

5. Per contra, learned counsel for the State has assailed these arguments by submitting that recovery of commercial quantity of narcotics, one 0.30 Bore Pistol alongwith 6 live cartridges had been effected from the possession of the appellant on the spot and there are specific allegations regarding his involvement in cross-border smuggling of narcotics and explosives. He contends that the appellant is having criminal antecedents and is a habitual offender. Hence prayed for dismissal of the petition.



6. After considering the rival submissions and perusing the record, it transpires that the appellant in the case was arrested on 08.08.2022 and as per the prosecutions case 325 gram of heroin alongwith 50 gram of opium besides one 0.30 Bore Pistol alongwith 6 live cartridges were recovered from the possession of the appellant when apprehended on the spot, whereas from the co-accused Gurwinder Singh @ Baba @ Raja driving the car recovery of 310 gram of heroin, 50 gram of opium and one pistol .30 bore along with 5 live cartridges besides ₹3,81,500/- cash was recovered from car. After conclusion of investigation, challan has already been presented in Court where it is pending trial and the prosecution has cited 24 prosecution witnesses.

6.1 As regards the arguments qua the CCTV footage raised by learned counsel for the appellant are concerned, the same cannot be appreciated in the present appeal, being the subject matter of trial. Moreover, the appellant cannot take benefit from the bail granted vide Annexure A-3 to the other co-accused as those persons were implicated in the case on the basis of disclosure statement and the recovery of narcotics from them, did not fall within purview of commercial quantity, which is not so in the case of the present appellant.

6.2 As per the case of the prosecution, appellant was apprehended on the spot and from his personal search commercial quantity of 325 grams of heroin along with 50 gram of opium and one pistol 0.30 bore with 6 live cartridges were recovered, even commercial quantity of narcotics along with weapon and ammunition was also effected from the co-accused Gurwinder Singh @ Baba @ Raja driving the car when apprehended besides cash of ₹3,81,500/- in the car.

7. In view of the above facts and circumstances, considering the



commercial quantity of narcotics attracting the provisions of Section 37 of the NDPS Act, along with 0.30 Bore Pistol with 6 live cartridges from the appellant, no case is made out in favour of the appellant for grant of bail at this stage.

- 8. As a consequent the instant appeal is hereby dismissed.
- 9. Pending application(s) if any, shall also stand dismissed.

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 15.01.2026
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |