



CRM-M-52454-2025 1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

226

CRM-M-52454-2025  
Decided on : 13.01.2026

KULDEEP SINGH @ BITTA  
.....Petitioner  
Versus  
STATE OF PUNJAB  
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vivek K. Thakur, Advocate,  
for the petitioner.  
  
Mr. Jasdeep Singh, Addl. AG, Punjab.

\*\*\*\*

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

| Name of Petitioner(s)                          | FIR No. | Date       | Section(s)              | Police Station | District |
|------------------------------------------------|---------|------------|-------------------------|----------------|----------|
| Kuldeep Singh alias Bitta, aged about 27 years | 151     | 15.09.2024 | 15/25/61/85 of NDPS Act | Dharamkot      | Moga     |

2. Learned counsel for the petitioner contends that, on the basis of secret information received against an unknown person, it was recorded that the said person was bringing bags of poppy husk in his Swift Dzire car bearing registration No.PB-11-CP-6541 and selling the



same during night hours to customers in the area of village Kot Mohammad Khan. FIR in question was registered prior to the actual recovery of the alleged contraband.

Upon interception by the police, identity of the unknown person was disclosed as Kuldeep Singh @ Bitta (petitioner herein), and from the car described by the secret informant, three bags of poppy husk, each weighing 18 kilograms, totalling 54 kilograms, were allegedly recovered.

3. Counsel for the petitioner argues that a false case has been foisted upon the petitioner, as his name does not find mention in the FIR and a fabricated recovery has subsequently been planted upon him. It is further contended that the recovered contraband is only marginally above the threshold of non-commercial quantity, inasmuch as poppy husk exceeding 50 kilograms is treated as commercial quantity, whereas in the present case, the alleged recovery is merely four kilograms above the said limit.

Further submits that, as borne out from the allegations, poppy husk appears to have been weighed along with the bags, and therefore, the actual net weight of the contraband is yet to be ascertained. It is argued that this aspect may materially affect the quantum of sentence at the final stage, in the event of conviction.

4. It is also submitted that petitioner has already undergone incarceration for a period of 07 months and 26 days. Out of total 20 prosecution witnesses, none has been examined so far, as charges are yet



to be framed. Thus, learned counsel prays for grant of regular bail to the petitioner in the present case.

5. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 12.01.2026, in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 07 months and 26 days period inside jail.

6. Learned State counsel submits that petitioner does not deserve the concession of bail, as he is already involved in other criminal cases. However, learned State counsel is unable to dispute the factual assertions advanced by learned counsel for the petitioner during the course of hearing today. Nonetheless, he prays for dismissal of the present petition.

7. This Court has heard the submissions addressed by counsel for the parties and has also gone through the record available before it.

8. In view of the totality of circumstances, nature of the facts and allegations levelled against the petitioner, and the factors noticed hereinabove, particularly the doubtful quantity of 54 kilograms of poppy husk and the fact that petitioner has already remained in custody for more than seven months, coupled with the likelihood that the trial will take a considerable time to conclude, this Court deems it appropriate to grant the concession of bail to the petitioner.



CRM-M-52454-2025

4

9. Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

13.01.2026

Lavisha

Whether Speaking/Reasoned: **YES/NO**  
Whether Reportable: **YES/NO**