



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(223) CRM-M-59443-2025
DATE OF DECISION: 11.02.2026

Sarwan SinghPetitioner

VERSUS

State of PunjabRespondent

CORAM HON’BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Vikas Gupta, Advocate, for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in case FIR No.126 dated 26.09.2024, under Section 21(C), 29 of NDPS Act, 1985 and Sections 10,11 and 12 of Aircraft Act, 1934, registered at Police Station Khalra, District Tarn Taran.
2. Brief facts of the case are that secret information was received by the Station House Officer, Police Station Khalra, that some object had fallen into the fields of Bagicha Singh through drones coming from Pakistan, and four persons were searching for the same. The police officials reached the spot, and upon seeing the police party, the four persons fled, abandoning a yellow-coloured packet from which 501 grams of heroin was recovered. Two of them, namely Moorti Singh and Salwinder Singh, were known to the ASI, and were apprehended in the course of investigation. In his disclosure statement, Moorti Singh named two others, Kuldeep Singh and **Sarwan Singh (the present petitioner)**, and stated that two packets had been received via drone, one was left at the spot upon seeing the police (already recovered containing 501 gram of Heroin), while the second was



partly sold and the packet containing the remaining contraband was concealed. Pursuant to the disclosure statement, the second packet was recovered, allegedly containing 256 grams of heroin. The present petitioner was consequently nominated as an accused and, upon apprehension, 10.10 grams of heroin was allegedly recovered from his conscious possession, i.e., the right pocket of his pyjama.

3. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by co-accused which is not admissible; FIR was initially registered against two co-accused on the basis of secret information; on arrest only 10.10 gm heroin was allegedly recovered from the possession of the petitioner; petitioner is in custody since 23.04.2025; he is not involved in any other criminal activity; he is having clear antecedents and as trial will take long time, therefore, prayer for grant of regular bail to the petitioner is made.

4. In pursuance of advance notice, Mr. Sandeep Kumar, DAG, Punjab appeared, and filed custody certificate of the petitioner along with Status Report by way of affidavit of Preet Inder Singh, PPS, DSP, Sub Division Bhikhiwind, District Tarn Taran, same are taken on record. Learned State counsel vehemently opposed the bail petition on the ground that from the co-accused commercial quantity of heroin has been recovered, therefore, petitioner does not deserve the concession of regular bail.

5. Heard.

6. Keeping in view the facts and circumstances of the case; Status Report filed by learned State counsel and the fact that the alleged



CRM-M-59443-2025 3

commercial quantity; except recovery of 10.10 gm, as alleged, after his arrest; no other evidence has come on record against petitioner; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period; the version is regarding his involvement is solely on the basis of disclosure statement by the co-accused; culpability of the accused is to be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides; as concession of bail cannot be denied just as measure of punishment and it is 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 petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

11.02.2026
mamta

(SUBHAS MEHLA)
JUDGE

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