



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-60677-2025
Date of decision: 20.01.2026

HIRA SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Amardeep Singh, Advocate
for the petitioner.

Mr. Rituraj Singh, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 34 dated 18.03.2025, registered under Section(s) 21 and 29 of the NDPS Act, 1985 and Sections 25(6), 25(7)(i), 25(8) of the Arms Act, 1959 (Section 21(C) of the NDPS Act, 1985 & Section 109, 221 of BNS, 2023 were added later on) at Police Station Jhabhal, District Tarn Taran.

2. Learned Counsel appearing on behalf of the petitioner contends that as per the case of the prosecution, a secret information was received with respect to the transportation of a contraband whereupon Police party set

up a check post. Three persons i.e. Ronak Singh @ Ronaki, Ajaypal Singh @ Ajay Mota and Deepak Singh @ Deepu were found coming on an Activa. When the police party tried to apprehend them, two of the persons ran away from the spot while 01 person fired a gun shot. He was nabbed with the help of police officials and the other two persons were chased and were apprehended by the Police. 794 grams of Heroin was recovered from the box of the Activa scooter found at the spot. During interrogation, Ajay Pal @ Ajay Mota made a disclosure statement to the effect that he had procured the contraband from his brother-in-law Kulwinder Singh. A subsequent disclosure statement was suffered by Kulwinder Singh @ Billa to the effect that he had also sold some heroin to the petitioner herein. Hence, the petitioner was nominated as an accused in the aforesaid case and was taken in custody since 16.05.2025. He contends that no contraband was recovered from the petitioner at any point in time and that the only recovery effected was a sum of Rs. 10,000/- and an electronic weighing machine. He submits that there is no evidence to link the petitioner with the contraband in any manner whatsoever.

3. Status report by way of an affidavit of Sukhbir Singh, PPS, Deputy Superintendent of Police, Sub Division City Tarn Taran, District Taran has been filed in the Court today and the same is taken on record.

4. Counsel for the respondent-State on the other hand contends that the petitioner is involved in other cases under the NDPS Act as well and the seized quantity from the other co-accused is commercial.

5. He however is not in a position to dispute that Ajaypal Singh @ Ajay Mota and the other accused had sourced the contraband from Kulwinder Singh and that as per the allegations, the petitioner is an

independent purchaser of contraband from Kulwinder. It is also not disputed that no recovery of any contraband had been effected from the petitioner in the present case except for the electronic weighing machine and sum of Rs. 10,000/-. He submits that even though the charge has been framed on 01.12.2025, however, no witness has been examined so far and that there are 26 witnesses to be examined. The conclusion of trial shall thus take long.

6. Learned State Counsel does not dispute the aforesaid facts. He, however, contends that the petitioner is involved in other cases.

7. I have heard learned counsel appearing on behalf of the respective parties.

8. Be that as it may, taking into consideration the nature of the allegations levelled against the petitioner, the absence of any recovery of contraband from the petitioner, his incarceration being solely on the basis of disclosure of co-accused giving rise to disputed question of fact as to whether the petitioner can be held criminally liable for the contraband found in conscious possession of the other co-accused when a direct link with the petitioner and the other co-accused with respect to the contraband recovered from them is disputed. It is further noticed that 26 witnesses are yet to be examined, hence, the conclusion of trial shall take long, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

9. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
11. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

JANUARY 20, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No