



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**225**

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**CRM-M No.62737 of 2025 (O & M)**

**Date of decision : 13.1.2026**

**Date of uploading : 14.1.2026**

**Kulbeer Singh @ Babbu**

**.....Petitioner**

**Versus**

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Riffi Birla, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.87 dated 25.4.2025 under Sections 21/27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 & Section 223 of BNS, registered at Police Station City-I, Abohar, District Fazilka.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act involving 75 grams of heroin, 30000 capsules of pregabalin and ₹1,73,000/- as drug money allegedly recovered from the petitioner and his co-accused, on 25.4.2025, when they were travelling in Honda City bearing No.DL-4CAN-1192 in the area of Dhani on Katcha Path, Abohar.



3. Learned counsel for the petitioner has argued that the petitioner is in custody since 13.5.2025. Learned counsel has further submitted that mandatory provision of NDPS Act has not scrupulously been complied with and therefore, the prosecution case suffers from inherent defects. Learned counsel has further submitted that the contraband alleged to have been recovered is 75 grams of heroin and 30,000 capsules of pregabalin, which falls within the non-commercial quantity. Thus, rigors of Section 37 would not apply. On these submissions, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further iterated that the petitioner is accused of offence pertaining to commercial quantity under the NDPS Act, and thus, his bail petition is barred in view of the Section 37 of the Act. Learned State counsel seeks to place on record custody certificate dated 12.1.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 13.5.2025 wherein after investigation was carried out and challan stands presented on 28.10.2025. Charges in the instant case were framed on 16.12.2025. Total 11 prosecution witnesses have been cited but none has been examined. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which



shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 The petitioner is alleged to be in possession of ₹1,73,000/- as drug money but basis thereof is the confessional statement of the petitioner and there is no supporting material to this effect.

6.2 As per custody certificate dated 12.1.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 7 months and 27 days. As per the said custody certificate, the petitioner is stated to be involved in one more FIR registered under the NDPS Act. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of***

***Haryana, 1998 (3) RCR (Criminal) 191.***

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the



petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
- 11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)  
JUDGE

13.1.2026  
*Ashwanii*

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |