



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
138-3

CRM-M-63601-2025
Decided on : 26.02.2026

Kulwinder Singh @ Kaka . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Aditya Anand, Advocate
for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab
assisted by ASI Tarlochan Singh

SANJAY VASHISTH, J. (Oral)

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kulwinder Singh @ Kaka	148	11.06.2025	21(c), 29 of NDPS Act, 1985	Gate Hakima	District Police Commissionerate Amritsar

2. As per the case of the prosecution, two persons, namely Vikramjit Singh @ Bika and Satbir Singh, were riding a Bullet motorcycle bearing registration No. PB02-EG-9642, when they were intercepted. On checking, a white-colored polythene bag held by Vikramjit Singh @ Bika was recovered, containing 912 grams of heroin. After the arrest of co-accused – Vikramjit Singh @ Bika and Satbir Singh, they got recorded their respective disclosure statements, in which they named the petitioner, alleging that the petitioner used to purchase the contraband from them for the purpose of selling the same.

3. Learned counsel for the petitioner submits that petitioner has



been implicated solely on the basis of a disclosure statement allegedly made by co-accused-Vikramjit Singh @ Bika & Satbir Singh, after their arrest. No recovery of contraband has been effected from the petitioner, and there is no other connecting or corroborative evidence linking him to the alleged 912 grams of heroin.

Further submits that it is settled law that a disclosure statement of a co-accused, by itself, is a weak piece of evidence and cannot form the sole basis for denying bail, particularly when it has not resulted in any recovery from the petitioner. Besides, petitioner is inside jail since 11.06.2025, i.e., for about 08 months and 15 days and the trial is likely to take considerable time to conclude.

Attention is also drawn to the fact that co-accused 'Amritpal Singh alias Mahli', who is almost on similar footings, has already been granted the concession of anticipatory bail by this Court vide order of even dated, i.e., order dated 26.02.2026 passed in CRM-M-4779-2026, titled as *"Amritpal Singh alias Mahli v. State of Punjab"*, whereby, the ad-interimbail order dated 29.01.2026, passed by this Court has been made **absolute**. Accordingly, on the ground of parity also, prayer has been made for grant of regular bail to the petitioner.

4. Learned State counsel has opposed the prayer for grant of regular bail to the petitioner by submitting that the present case pertains to recovery of **commercial quantity of contraband**, i.e., 912 grams of heroin, and thus, the rigours of Section 37 of the NDPS Act are fully attracted. It is contended that such offences are grave and have serious adverse impact on society at large, and therefore, no leniency is warranted.

It is further submitted that the petitioner has been specifically named in the disclosure statements of co-accused Vikramjit Singh @ Bika and Satbir Singh, which prima facie indicates his involvement in the illegal trade of narcotics. Besides this, petitioner is also stated to be involved in three other criminal cases, either under the NDPS Act or under other provisions of criminal law, which reflects his probability to indulge in such offences.

Thus, learned State counsel has argued that in view of the



seriousness of allegations and the nature of offence, there is every likelihood that in case the petitioner is released on bail, he may influence the prosecution witnesses or tamper with the evidence. It is further apprehended that the petitioner may indulge in similar activities again, if released on bail. On these premises, it is prayed that the present petition be dismissed.

5. In response to the contention raised by learned State counsel regarding the alleged involvement of the petitioner in other criminal cases, learned counsel for the petitioner submits that the petitioner has already been granted bail in all the said cases, and copies of the respective bail orders have been duly appended with the present petition as **Annexures P-3 to P-5**.

It is, thus, contended that mere involvement in other cases cannot be a ground to deny the concession of bail in the present case, particularly when the petitioner is not in custody in those matters.

6. I have heard learned counsel for the parties and have perused the record with their able assistance.

7. It is not disputed that no recovery of contraband has been effected from the petitioner and his implication in the present case rests solely upon the disclosure statements made by the co-accused after their arrest. The evidentiary value of such disclosure statements, in the absence of any recovery or independent corroboration, is limited and cannot, by itself, be made the basis for prolonged incarceration of the petitioner.

So far as the contention of the State regarding the involvement of the petitioner in other criminal cases is concerned, it is not disputed that the petitioner has already been granted bail in all such cases and copies of the bail orders have been placed on record as Annexures P-3 to P-5. There is nothing on record to suggest that the petitioner has misused the concession of bail granted to him in those cases. Thus, mere involvement in other cases cannot be a ground to deny bail in the present case.

It is further noticed that the petitioner is in judicial custody since 11.06.2025 and has undergone incarceration for more than 08 months and 15 days. The trial is likely to take considerable time to conclude and continued detention of the petitioner would not serve any useful purpose. Moreover, one of the co-accused, namely, Amritpal Singh alias Mahli, who



is similarly situated, has already been granted the concession of anticipatory bail by this Court. Therefore, on the ground of parity also, the petitioner deserves similar treatment.

8. In view of the totality of these circumstances, and the nature of allegations levelled against the petitioner, including the factors noticed here-above, this Court deems it appropriate to grant the concession of bail to the petitioner, so as to afford the petitioner an opportunity to reform and reintegrate himself in the society.

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.

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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. 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.

12. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

February 26, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No