



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CRM-M-62673-2025(O&M)

Date of decision: 26.02.2026

Kuldeep Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

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

Present :- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr.DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant first petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.178 dated 20.11.2024 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Special Task Force, District STF Wing, Phase-4, SAS Nagar (Mohali).

2. The brief facts of the present case are as follows:

"Copy of "Ruqa". To, The Station House Officer, Special Task Force (STF), S.A.S. Nagar. Jai Hind. Dated: 19-11-2024 It is submitted that I, ASI Hardeep Singh No. 484/STF Ferozepur, along with ASI Beant Singh No. 1411/Ferozepur, ASI Baljinder Singh No. 721/Ferozepur, Head Constable Sohan Singh No. 3/540 IRB, and Senior Constable Harmeet Singh No. 1191/Moga, were on duty in government vehicle Bolero No. PB-11CB-5832, fitted with search light, laptop, and printer, driven by Constable Gurnam Singh No. 4C/397, and ASI Mahinder Singh No. 1020/Ferozepur and Senior Constable Navjot Kumar No. 90/Fazilka were following on government motorcycle No. PB-65BG-2577, being driven by ASI Mahinder Singh. We were present at T-Point Mamdot Road near brick klin, for the purpose of checking of intoxicant substances and suspicious persons. At



about 10:50 PM, we noticed one motorcycle coming from Mamdot side, on which two clean-shaven young men were riding. They were signaled to stop with the light of a torch. The rider tried to turn the motorcycle back abruptly, due to which the motorcycle slipped and fell. The police party surrounded and checked them. The motorcycle was of Hero Passion make, blue in color with black stripes, bearing registration PB-05V-6549. The rider was wearing a maroon-colored T-shirt, khaki-colored trousers, and boots; the pillion rider was wearing a white check shirt, grey-colored lower, and slippers. On the left handle of the motorcycle, a biscuit-colored cloth bag was hanging, whose one strap had come out from the handle. Inside that bag, a transparent polythene envelope containing light brown powder (appearing to be heroin) was clearly visible. With the help of my team, both persons were apprehended. Upon inquiry, the rider disclosed his name as Rajvir Singh alias Raju, son of Bhajan Singh, resident of Chapatti, Police Station Lakho Ke Behram, District Ferozepur. The pillion rider disclosed his name as Kuldeep Singh son of Kashmir Singh alias Sadhu Singh, resident of Alike, Police Station Sadar Ferozepur. Then, following the provisions of Section 105 BNS, I instructed SC Navjot Kumar No. 90/Fazilka to conduct video-graphy of the scene, who started video-graphy through my mobile phone. I, ASI Hardeep Singh, introduced myself, my rank, and posting, and informed them that I am ASI Hardeep Singh No. 484/STF Ferozepur, presently posted at Ferozepur, wearing uniform with nameplate. After introducing myself, I told both Rajvir Singh alias Raju and Kuldeep Singh that I suspect that in the transparent polythene envelope inside the biscuit-colored cloth bag hanging on your motorcycle handle, there appears to be some narcotic substance, which needs to be searched. However, under the NDPS Act, you have the legal right to be searched before a Magistrate or a Gazetted Officer, who can be called to the spot, or you can be taken to them for search. Both Rajvir Singh alias Raju and Kuldeep Singh said that since the transparent envelope with heroin has already been seen by you, we trust you completely and



give our consent for you to conduct the search yourself. Then, I issued separate written notices under Section 50 NDPS Act to both accused. Rajvir Singh alias Raju signed his notice in Punjabi and Kuldeep Singh also signed his in Punjabi. Witnesses ASI Baljinder Singh No. 721/Ferozpur and ASI Beant Singh No. 1411/Ferozpur also signed as witnesses on the notices. Thereafter, before conducting search, I included one public witness Hardeep Singh, son of Mahinder Singh, grandson of Veer Singh, resident of Sekhar, P.S. Ghall Khurd in the police party. In the presence of both public and official witnesses, the transparent polythene envelope inside the biscuit-colored bag hanging on the left handle of the motorcycle was taken out and opened. Upon checking, heroin was recovered. The recovered heroin was weighed with the help of a digital scale and found to be 600 grams (including polythene envelope). The heroin along with the cloth bag was placed in a plastic box, sealed, and a sample seal bearing initials "HS" was affixed. A specimen seal was prepared separately and handed over to ASI Baljinder Singh No. 721/Ferozpur after use. During personal search, from Rajvir Singh alias Raju, one mobile phone of Realme make touchscreen with white back cover, IMEI Nos. 86122007582796/861220075825788, containing SIM Nos. 98555-80490 and 98556-80490 (VI), was recovered. From Kuldeep Singh, from the left pocket of his grey lower, one Samsung keypad mobile phone having SIM No. 98149-798380 and 98551-76482 (Airtel) was recovered. All recovered items 1. Plastic box containing 600 grams heroin (sealed with "HS" seal), 2. Motorcycle Hero Passion, blue with black stripes, Reg. No. PB-05V-6549, Chassis No. 07M05C03007, Engine No. 07M05M22808, were taken into police possession through a recovery memo, prepared and duly witnessed by public and police witnesses. Both accused were found to be in possession of 600 grams of heroin, and thus committed an offence under Sections 21, 61, and 85 of the NDPS Act. Hence, this ruqa/report is being sent against accused Rajvir Singh alias Raju and Kuldeep Singh,



for registration of a case under the above sections. The ruqa is being emailed by Senior Constable Harmeet Singh No. 1119/Moga through email ID meetgill1991@gmail.com to the Special Task Force Police Station email ID: ps-stf.police@punjabpolice.gov.in for registration of the FIR. After registration of the case, a copy of the FIR should be sent to me (ASI Hardeep Singh) on mobile No.80543-70028 and by email at meetgill1991@gmail.com, so that the special report may be submitted to the Hon'ble Area Magistrate and senior officers. A hard copy of the ruqa is also being sent through ASI Mahinder Singh No. 1020/Ferozepur to STF Police Station, District S.A.S. Nagar. After registration, the original ruqa along with a copy of the FIR should be sent back to the spot through the same officer. I, along with accompanying staff, am continuing investigation at the spot. Place: T-Point Mamdot Road, near brick kiln area, Time: 12:10 AM, Sd/- Hardeep Singh, ASI Special Task Force, Ferozepur.”

3. Learned counsel appearing on behalf of the petitioner contends that as per the allegations, the petitioner was the pillion rider and was not driving the motorcycle. The said motorcycle belongs to Rajvir Singh @ Raju and the bag was hanging on the handle. It would thus be arguable as to whether the contraband can be said to be in conscious possession of the petitioner since the aforesaid bag belongs to Rajvir Singh @ Raju himself. He further contends that the petitioner has clean antecedents and he is in custody since 20.11.2024. It is submitted that only 01 out of total 15 witnesses has been examined so far and as such the conclusion of trial shall take long.

4. Learned State Counsel on the other hand contends that the petitioner is the first cousin of the co-accused Rajvir Singh @ Raju. He however does not dispute that the petitioner is not involved in any other case. It is also not disputed that the bag was hanging on the handle and the petitioner



was sitting on the pillion. The stage of the trial as well as the period of custody are also not disputed.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the documents appended along with the present petition.

6. Taking into consideration the period of custody already undergone by the petitioner, his clean antecedents, the stage of trial as well as the fact that arguable issues would arise with respect to conscious possession of the contraband from the petitioner, I deem it appropriate to allow the present petition.

7. 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.

8. 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.

9. 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.

10. Pending application(s), if any, shall stand disposed of.

26.02.2026

Sumit Gusain

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

**(VINOD S. BHARDWAJ)
JUDGE**