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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-44626-2026**

BALKAR SINGH

....Petitioner

versus

STATE OF HARYANA

....Respondent

Date of Decision: 18.08.2026**Date of Uploading: 18.08.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Harjot Goyal, Advocate and
Mr. Monty Goyal, Advocate for the petitioner.

Mr. B.S. Saroha, DAG, Haryana.

SUMEET GOEL, J. (ORAL)

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 bearing FIR No.47 dated 13.02.2026, registered for the offences punishable under Sections 22(c) of the NDPS Act (Sections 27(a) of NDPS Act and Section 18(a), 18(c) of Drugs & Cosmetics Act, 1940 added later on), at Police Station Sadar Fatehabad, District Fatehabad, Haryana.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-



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“To, The SHO, Police Station Sadar Fatehabad, Jai Hind. Today, on 13.02.2026, I ASI Sukhvinder Singh No.75/FTB was presented in Crime Investigation Branch Fatehabad that, an informer gave secret information that one Ajay son of Deepak a son of Bhanwar Lal, resident of Thekewali Gali, Village Dariyapur, District Fatehabad, who is engaged in the work of selling intoxicants, is today wearing a cream-colored lower and a blue-colored upper garment and is standing on Fatehabad-Sirsa bypass road near the side of Fatehabad, and is in the process of selling intoxicant tablets/capsules to some other person If raid is conducted immediately, Ajay can be apprehended along with the On receiving this intoxicant tablets. On receiving this information, entry under Section 42 NDPS Act was made in the daily diary of Crime Investigation Branch, Fatehabad, and a separate report was prepared. For the information and verification action, Constable Vikram No. 356/FTB was sent to the senior officer. Thereafter, I along with HC Sandeep No. 202/FTB, Constable Sanjay Kumar No. 796/FTB, government vehicle No. HR- 22GV-8083 driven by ESI Rajender Kumar No. 897/FTB, all in civil dress, reached the spot carrying laptop and printer, indicated by the informer. After reaching there and searching as per the information, one person wearing cream-colored lower and blue-colored upper was seen standing on the service road near the overbridge on Fatehabad-Sirsa bypass. On seeing the police vehicle coming towards him, the said person suddenly started walking fast towards the side of the bridge. On suspicion, he was apprehended at a short distance. On inquiry, HC Sandeep No. 202/FTB apprehended the person, who disclosed his name as Ajay son of Deepak son of Bhanwar Lal, resident of Thekewali Gali, Village Dariyapur, District Fatehabad. On suspicion that the said person Ajay was in possession of some intoxicating substance, a notice under Section 50 NDPS Act was prepared separately and served upon him. I, ASI Sukhvinder Singh No. 75/FTB, CIA Fatehabad informed Ajay son of Bhanwar Lal resident of Thekewali Gali, Village Dariyapur, District Fatehabad through the said notice that I have suspicion that you are in possession of some intoxicating substance and therefore your search is required to be conducted. You have a legal right that your search may be conducted in the presence of a Gazetted Officer or a Magistrate. You may call any Gazetted Officer or Magistrate for this purpose, or you may be taken before such Gazetted Officer or Magistrate for your search. Clarify your option. After understanding the notice, the notice was read over, explained, and understood by accused Ajay. Accused Ajay, after hearing and understanding the notice, accepted it as correct and signed the notice in Hindi. The witnesses also appended their witnesses also in signatures. Thereafter, Ajay son of Deepak son of Bhanwar Lal, resident of one person wearing cream-colored lower and blue-colored upper was seen standing on the service road near the overbridge on Fatehabad-Sirsa bypass. On seeing the police vehicle coming towards him, the said person suddenly started walking fast towards the side of the bridge. On suspicion, he was apprehended at a short distance. On inquiry, HC Sandeep No. 202/FTB apprehended the person, who disclosed his name as Ajay son of Deepak son of Bhanwar Lal, resident of Thekewali Gali, Village Dariyapur, District Fatehabad. On suspicion that the said person Ajay was in possession of some intoxicating substance, a notice under Section 50 NDPS Act was prepared separately and served upon him. I, ASI Sukhvinder Singh No. 75/FTB, CIA Fatehabad informed Ajay son of Bhanwar Lal resident of Thekewali Gali, Village Dariyapur, District Fatehabad through the said notice that I have suspicion that you are in possession of some intoxicating substance and therefore your search is required to be conducted. You have a legal right that your search may be conducted in the presence of a Gazetted Officer or a Magistrate. You may call any Gazetted Officer or Magistrate for this purpose, or you may be taken before such Gazetted Officer or Magistrate for



your search. Clarify your option. After understanding the notice, the notice was read over, explained, and understood by accused Ajay. Accused Ajay, after hearing and understanding the notice, accepted it as correct and signed the notice in Hindi. The witnesses also appended their witnesses also in signatures. Thereafter, Ajay son of Deepak son of Bhanwar Lal, resident of The Gazetted Officer, after examining the notice and reply and after questioning the accused Ajay, directed me (ASI) to conduct the search as per law. Accordingly, the search of accused Ajay was conducted in his presence. During the search, one plastic polythene envelope of white color was recovered from the right hand of the accused, tied with a knot. On opening and checking the same, intoxicant tablets/capsules were found inside. Upon checking, a total of 44 strips were recovered. Out of these, 4 strips contained 10 tablets each of intoxicant tablets marked as ETIZOLAM TABLETS I.P. 0.50 mg, with batch numbers erased. A total of 40 strips of intoxicant tablets were recovered. When weighed along with strips using a computerized scale, their total weight came to 10 grams. Further, 40 strips were recovered, each strip containing 15 capsules, marked as RX PREGABALIN CAPSULES I.P. 300 mg, with batch numbers erased. In total, 600 intoxicant capsules were recovered. When weighed along with strips on a computerized scale, their total weight came to 328 grams. All the recovered strips were placed in the same polythene bag, wrapped in cloth, and sealed with my seal bearing impression SK/3. A sample seal was also prepared. The Gazetted Officer also sealed the case property (intoxicant tablets and capsules) with his seal bearing impression NS/1, and verified the sealed parcel and sample seal. The sealed parcels containing intoxicant tablets and capsules were taken into police possession vide a recovery/seizure memo. The accused Ajay and witnesses appended their signatures on the seizure memo, and the Gazetted Officer also verified the same. After use, the Gazetted Officer retained his seal with himself, and I handed over my When accused Ajay seal to HC Sandeep No.202/FTB. When accused Ajay was asked about any license or permit regarding the recovered intoxicant tablets/capsules, he could not produce any license or permit. Since accused Ajay son of Deepak son of Bhanwar Lal, resident of Thekewali Gali, village Dariyapur, District Fatehabad, was found in possession of 44 strips containing a total of 640 intoxicant tablets and capsules, an offence under Section 22(c)/61/85 NDPS Act was made out against him. Accordingly, a case was registered. Constable Rajender Kumar No.897/FTB was sent to the police station for registration of the case. After registration, the special report will be sent through a special messenger to the concerned Illaga Magistrate, and further investigation will be conducted by another investigating officer. Agency, I, ASI Sukhwinder Singh No.75/FTB, Crime Investigation Agency, Fatehabad, alongwith other officials, was present at the spot near the overbridge on Fatehabad-Sirsa bypass road. Sd/- Sukhvinder ASI Sukhwinder Singh.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 27.02.2026. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has further iterated that assuming



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arguendo, the prosecution version is taken to be correct, the petitioner has been nominated into the FIR question on the basis of disclosure of co-accused. Learned counsel has further iterated that the petitioner has suffered incarceration for more than 05 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel seeks to place on record the custody certificate dated 15.08.2026, in the Court today, which is taken on record.

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

6. The petitioner was arrested on 27.02.2026 wherein after investigation was carried out and challan stands presented on 02.04.2026. Total 20 prosecution witnesses have been cited but none has been examined till date. The culmination of investigation and the trial emanating therefrom, in case, occasion so arises, will take long time. The petitioner has been implicated as an accused in the FIR in question solely on the basis of disclosure statement of co-accused. The rival contentions raised at Bar 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.



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6.1. At this juncture, it would be apposite to refer to a judgment passed by this Court in **Anshul Sardana versus State of Punjab**, passed in **CRM-M-65094-2024 (2025: PHHC:004198)**, wherein, after relying upon the *ratio decidendi* of the judgments of the Hon'ble Supreme Court in **Tofan Singh versus State of Tamil Nadu**, AIR 2020 Supreme Court 5592; **Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu versus State of Gujrat, Narcotics Control Bureau**, 2024 INSC 290; **State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr.**, 2022 (1) RCR (Criminal) 762; and **Vijay Singh vs. The State of Haryana**, bearing Special Leave to Appeal (Crl.) No.(s) 1266/2023, decided on 17.05.2023, has held thus:

“6.3 It is a well established principle of law that a confession made by a co-accused under Section 67 of the NDPS Act is inherently a very weak piece of evidence. Such statement(s), by themselves, cannot form the sole basis for the conviction of an individual and must be scrutinized with utmost caution in conjunction with other substantive evidence. Moreover, no recovery has been effected from the possession of the petitioner, who has been subsequently implicated as an accused solely on the basis of disclosure statement of the co-accused. However, as regular bail pertains to life and liberty of individual, Courts are obligated to strike a balance between safeguarding personal liberty and ensuring the effective administration of justice as also investigation. The final evidentiary value and admissibility of the disclosure statement made by a co-accused fall within the domain of the trial Court and are to be adjudicated during the course of the trial in accordance with established principles of law. However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. A *prima facie* examination of these factors is essential to ensure that the process of law is not misused, abused or misdirected.”

6.2. As per custody certificate dated 15.08.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 05 months and 18 days, & is not shown to be involved in any other FIR(s).



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, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 cellphone 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/Illaqa 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



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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 trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move for 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. Since the main case has been decided, pending miscellaneous application, if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

18.08.2026

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