



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

**CRM-M-48260-2025
Date of decision :04.09.2025**

Chandan Kumar Khosla

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Munish Puri, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.0116 dated 28.07.2023 under Sections 21, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of Arms Act, registered at Police Station Barnala, District Barnala.

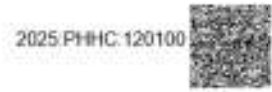
2. Succinctly the facts of the case are that the Police party while on patrolling on 28.07.2023 saw a person coming. On seeing the police, he got perplexed and threw one polythene on the ground. On suspicion, he was stopped. On asking, he disclosed his name to be Gurwinder Singh @ Binda. On conducting the search of the polythene thrown by him, 20 grams of heroin was recovered. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation commenced. During investigation, he made disclosure statement about the petitioner that the contraband recovered from him was supplied to him by petitioner-Chandan Kumar Khosla, thus, he was arrayed as an accused and resultantly, arrested on 14.06.2025. The supplementary challan was filed against the petitioner. He approached the Learned Judge, Special Court, Barnala praying for



grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Barnala vide order dated 31.07.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that neither the petitioner was present at the spot nor any recovery has been from him. He submits that the alleged recovery of 20 grams of heroin was allegedly recovered from the co-accused, on whose disclosure statement the petitioner has been arrayed as an accused in the present case. He submits that the disclosure statement in itself is not an admissible evidence. He further submits that even otherwise, the recovery effected from the co-accused is 20 grams of heroin, which is a non-commercial quantity and thus, the provisions of Section 37 of NDPS Act, are not attracted in the present case. He submits that 270 grams of heroin had been allegedly recovered from another co-accused, namely, Satnam Singh Gill @ Satti, however, the petitioner has no relation whatsoever with the same. Thus, the false implication of the petitioner is writ large. To buttress his arguments, he submits that the petitioner has no criminal antecedents and thus, in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the complicity of the petitioner surfaced during the interrogation of co-accused, namely, Gurwinder Singh @ Binda, from whom 20 grams of heroin was recovered. It is submitted that on his disclosure statement, the complicity of other co-accused, namely, Satnam Singh Gill @ Satti, was



also surfaced from whom 270 grams of heroin was recovered. He submits that the supplementary challan against the petitioner was filed on 27.08.2025. He has placed on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that 20 grams of heroin had been allegedly recovered in this case from co-accused, namely, Gurwinder Singh @ Binda. The petitioner has been arrayed as an accused on the basis of the disclosure statement of the co-accused. The challan against the petitioner has already been filed. As per custody certificate, the petitioner has suffered an incarceration of 02 months and 20 days as on 03.09.2025. It further reflects that the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.09.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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