



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

228

CRM-M-51999-2025

Date of decision: 14.11.2025

Balwinder Singh @ Binder

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present : Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J.(ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No. 327 dated 29.04.2025 registered against him, for commission of offences punishable under Sections 21(b)/27(a)/29/61/85 of Narcotic Drugs and Psychotropic Substances, Act 1985 at Police Station Sadar Hisar, District Hisar, has prayed for grant of bail.

2. In brief, the case of the prosecution is that on the basis of secret information received by police team headed by ASI Surender Singh, a nakka was laid at the place disclosed by the secret informer and one Sandeep was caught red handed while keeping in his illegal possession 101 grams of 'Heroin' (Intermediate Quantity). After the statutory formalities were complied with, FIR was lodged. During the course of interrogation, the aforesaid accused, disclosed the name of present petitioner, who was stated to be a supplier. Thereafter, the present petitioner was arrested on 02.06.2025.

During interrogation, petitioner confessed to his involvement in the commission of offence and disclosed that he had sold 105 grams of Heroin to co-accused Sandeep for Rs.2 lakhs, with whom he was in constant touch. Mobile phone handset recovered at the instance of petitioner was also



taken into possession. Call details record, location charts etc. for the period from 15.04.2025 to 29.04.2025 were also collected.

On culmination of investigation, challan was prepared and filed in the Court on 29.07.2025.

3. Petitioner/accused who was arrested on 02.06.2025 moved an application for grant of bail before the learned Additional Sessions Judge, Hisar. The same was dismissed vide order dated 13.08.2025. Aggrieved of the same, present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated, he was not apprehended at the spot, was arrayed as an accused only on the basis of disclosure statements of co-accused Sandeep, who was allegedly caught red handed while keeping in his illegal possession 101 grams of 'Heroin' (Intermediate Quantity).

Continuing further, learned counsel contends that in none of 3 cases referred to in the status report, petitioner was arrested on the site.

Learned counsel further submits that co-accused Sandeep, arrested at the site, has been granted concession of bail by learned Additional Sessions Judge, Hisar, thus similar treatment be meted out to him.

It is further the submission of learned counsel that out of 16 prosecution witnesses, none has been examined, thus, likelihood of completion of trial in the near future is quite remote. Hence, further incarceration of petitioner in custody, would not serve any useful purpose and would also be violative of his Fundamental rights guaranteed under Article 21 of the Constitution of India. It has thus been prayed to take lenient view in petitioner's favour, who has been in custody since 02.06.2025, by extending him the concession of bail.



5. Status report dated 07.11.2025 by way of affidavit of Mr. Kamaljeet Singh, HPS, Deputy Superintendent of Police, Hisar, has been filed. Opposing the petition, learned State Counsel submits that petitioner has been specifically named by the accused arrested at the site, as the person who had supplied the contraband. Even otherwise he has questionable past antecedents, being involved in three cases of the like nature (the details of which are mentioned in para No.14 of the short reply). In view of the case set up by prosecution, petitioner being the focal point and also having remained involved in similar cases, it cannot be presumed that he is not involved in this offence or that he is not likely to commit the offence again, if extended the concession of bail. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and have gone through the documents on record.

7. Admittedly, the petitioner was not arrested at the site. Name of the petitioner cropped up in the disclosure statement of the co-accused, the admissibility and reliability of the said statement is a question which would be decided during the course of trial based on the evidence adduced on the case file. It has been noticed that though petitioner is involved in other cases of like nature, but admittedly in all the three cases, he was nominated as accused on the basis of disclosure statement of those arrested at the site.

When appreciated in the light of the facts that have been brought on record, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule*



*and incarceration is an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

In *Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012(1) RCR (Criminal) 586*, Hon’ble Supreme Court upheld the order of the High Court in granting bail to the second respondent/accused on the ground that he had been in custody for a long period and the possibility of the trial being concluded in the near future was remote.

Further as has been rightly submitted by learned counsel for the petitioner, the likelihood of completion of trial is quite remote as out of 16 prosecution witnesses none has been examined till date. Thus, this Court is of the opinion that in view of the facts and circumstances as mentioned above, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

(i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.

(ii) The petitioner will not tamper with the evidence during the trial.

(iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

(iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

(v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

(vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the



facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

14.11.2025

Hemant

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