



CRM-M-15578-2026

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

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CRM-M-15578-2026 (O & M)

Date of decision: 27.03.2026

BALWINDER SINGH @ BINDER

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Gudeep Kaur, Advocate, for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS is for grant of regular bail to the petitioner in case FIR No.128 dated 10.09.2024, registered at Police Station City Jalalabad, District Fazilka, under Section 22 NDPS Act.

2. Learned counsel contends that the petitioner has been in custody for 1 year and 6½ months. He alleges false implication. He was the pillion rider of the motor-cycle and the alleged recovery has been effected from the polythene hanging on the handle of the motor-cycle, thus, it is debatable whether he can be said to have been in conscious possession thereof. Further that, the rider has since been granted bail by this Court, vide order of even date. Otherwise also, No independent witness has been joined at the time of recovery. Charges have been framed on 09.07.2025, however, only 2 PWs stand examined and there are still 17 more to go. He is not involved in any other case.

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3. The custody certificate dated 26.03.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 1 year, 6 months and 14 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the petitioner, as also his co-accused. However, she is unable to controvert the submissions with regard to stage of the case; the petitioner being not involved in any other case and the co-accused having been enlarged on bail;

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 6 months and 14 days; not involved in any other case; co-accused is on bail; charges stand framed on 09.07.2025, but out of 19 PWs, only 2 have been examined; the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

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- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) 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.
- (v) 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.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly 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.

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

27.03.2026

parveen kumar

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

(AMAN CHAUDHARY)
JUDGE