



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

123

CRM-M-24057-2025 (O&M)

Date of decision: 23.02.2026

Balwinder Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

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

Present :- Mr. Ranwant Sangha, Advocate for the petitioner(s).

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. This first petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.85 dated 12.09.2024, registered under Section(s) 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Jalalabad, District Fazilka.

2. Briefly summarized, the facts of the present case are that:-

“xxxxxxxxxxxx on 12.09.2024, complainant (ASI) was present at police station then one information from ASI Jagjit Singh No.81/Fazilka PS Sadar Jalalabad was received at police station. The matter being concerned with the recovery of intoxicating substance, on the instructions of Station House Officer, complainant along with Constable Amandeep No.473/Fazilka, Constable Manmohan No.855/Fazilka along with laptop-printer in the Government vehicle No. PB-05S-

4842, driver thereof is PHG Joginder Singh 7526, left for the spot to give information to ASI Jagjit Singh No.81/ Fazilka where on the place of occurrence, ASI Jagjit Singh No.81/Fazilka along with police party and four young persons, 2 young persons were carrying something in black polythene bags, met. Complainant asked their name and address turn by turn then first person disclosed his name as Gursewak Singh @ Sabby son of Jarnail Singh resident of village Baghia, PS Sidhwan Bet who was carrying black colour plastic bag in his right hand, second young person disclosed his name as Balwinder Singh son of Ram Singh, resident of Dhani Mann Singh, Dakhli Jodha Bhaini who was carrying black colour polythene bag in his right hand, third young person disclosed his name as Gurmeet Singh son of Khem Singh, resident of village Baghia, Police Station Sidhwan Bet and fourth young person disclosed his name as Vikram Singh @ Vicky son of Pritam Singh, resident of village Fattu Wala. Complainant introduced his name and rank to the apprehended young persons that he is ASI Amrik Singh No.1281/Ferozepur, posted as investigating officer at Police Station Sadar Jalalabad. He and his fellow officials have worn the uniforms of their rank and nameplates have been affixed. He has suspicion of some intoxicating substance in black colour polythene bag held in their hands. Upon which, search of polythene bags held in their hands is to be made but they have a right under law of narcotic

substance that they can get the polythene bag held in their hands searched from gazetted officer or Magistrate who can be called on spot on request who after thinking replied turn by turn that they want to get the polythene bag held in their hands searched from the DSP. Upon which, the non-consent memos have been prepared separately. Their signatures and that of witnesses have been taken. Then complainant called from his mobile phone to Sh. Jatinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Jalalabad and requested him to come on the spot by disclosing all the facts. After sometime, Sh. Jatinder Singh, PPS, Deputy Superintendent of Police, Sub Division Jalalabad came on the spot along with personnel in Government vehicle, who after introducing his identity to the above said young person's told that he is Jatinder Singh. posted as PPS, Deputy Superintendent of Police, at Sub Division Jalalabad and he has suspicion of intoxicating substance in black colour polythene bag held in their hands. Therefore, search of black colour polythene bag held in your hands is to be made but they have a right under law of narcotic substance that they can get the polythene bag held in their hands searched from any other gazetted officer or Magistrate who can be called on spot on request. Upon which, above said young person's turn by turn replied that they have faith on him, he can search them and polythene bag held in their hands, the substance which is with them that has been

found. Upon which, consent memos have been prepared separately. Their signatures and that of witnesses have been taken on the memo. Then on the instructions of the Deputy Superintendent of Police, Sub Division Jalalabad, complainant conduct the search of black colour polythene bag held by Gursewak Singh in his hand then heroin was clearly visible in the transparent polythene bag and the polythene bag has been opened, out of which heroin has been recovered which has been weighed on computer scale which comes to 432 grams. One parcel of case property heroin has been prepared and complainant attest the same with his seal AS and the DSP has also attested the same with his seal JS. The polythene bag held in the hands of Balwinder Singh has been opened then drug money Indian currency has been recovered from it, counting it comes to total Rs.3,00,000/- Indian currency notes have been recovered. Upon which, a separate parcel has been prepared by putting the drug money of Rs.3,00,000/-in the plastic box. Complainant has attested the parcel with his seal AS and the DSP has also attested the same with his seal JS. Then sample seal has been prepared separately. Thereafter, complainant handed over the seal after its use to ASI Jagjit Singh No.81/ Fazilka and the Deputy Superintendent of Police, Sub Division, Jalalabad has kept the seal with himself. On the instructions of Deputy Superintendent of Police, Sub Division, Jalalabad, complainant conducted the personal search of above said

accused persons and memos of personal search have been prepared separately. Accused have appended their signatures and witnesses have put their signatures. The recovered heroin weighing 432 grams' parcel attested with seal AS + JS and parcel of drug money carrying Rs.3,00,000/-Indian currency notes attested with seal AS + JS, have been taken into police custody through recovery memo. The witnesses have put their signatures on the memo and Deputy Superintendent of Police, Sub Division. Jalalabad attest the memo. Accused Gursewak Singh @ Sabby, Balwinder Singh, Gurmeet Singh and Vikram Singh @ Vicky have committed the offence u/s 21(C)/61/85 of NDPS Act by keeping heroin and drug money in their possession.”.

3. Learned counsel for the petitioner contends that total 04 persons were apprehended by the Police on the said date. He contends that so far as the recovery of 432 grams of *heroin* is concerned, the same was effected from main accused/Gursewak Singh and that the petitioner has been nominated as an accused on account of recovery of Rs.3,00,000/-. He contends that there is no evidence to establish that the aforesaid amount was a part of the drug money and that the said amount was recovered from the house of the petitioner and belongs to his parents. He contends that the petitioner was arrayed as an accused in the present case solely because he was accompanying main accused/Gursewak Singh from whom the commercial quantity of contraband has been recovered. He contends that the petitioner has clean antecedents and is not involved in any other criminal

case. He contends that the petitioner has undergone an actual custody of more than 01 year and 05 months. He contends that the trial in the present case is yet to commence and that only 02 out of the total 11 prosecution witnesses have been examined so far and the trial is likely to take a long time in its conclusion.

4. Learned counsel for respondent-State refers to the reply filed on behalf of the respondent-State and contends that the petitioner was accompanying the main accused-Gursewak Singh, hence, the contraband has to be perceived as being in joint possession of all the persons. He further contends that the parcel of drug money to the tune of Rs.3,00,000/- was recovered from the spot, not from the house of the petitioner. He, however, does not dispute the stage of trial and the clean antecedents of the petitioner.

5. Having heard the learned counsel for the parties and taking into consideration the period of actual custody undergone by the petitioner, the stage of the trial wherein only 02 out of the total 11 prosecution witnesses have been examined so far coupled with the fact that there would be arguable issues with respect to the conscious possession of the petitioner of the contraband and recovery, at best is of sum of Rs. 3,00,000/- from the possession of the petitioner and bearing in mind that the conclusion of the trial is likely to take a long time, I deem it fit to allow the instant petition.

6. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

7. It is made clear that the petitioner shall not extend any threat

and shall not influence any prosecution witness in any manner directly or indirectly.

8. 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.

23.02.2026

Mangal Singh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(VINOD S. BHARDWAJ)

JUDGE