

**CRM-M-26994-2026****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****236****CRM-M-26994-2026****Decided on :18.05.2026**

Avtar Singh alias Avi alias Avatar Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Amish Sharma, Asst. A.G., Haryana.

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SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS (corresponding Section 439 Cr.P.C.) seeking regular bail in case FIR No.31 dated 26.01.2026, under Section 21B of NDPS Act (Section 27-A of NDPS Act was added later on), registered at Police Station Bawani Khara, District Bhiwani.

2. Petitioner–Avtar Singh, aged about 23 years, has been apprehended at the spot along with his co-accused Surjeet Singh. Upon search, currency amounting to Rs. 2,100/- along with 10.30 grams of heroin was recovered from the possession of the petitioner. After excluding the polythene foil, the net weight of the contraband was found to be 9.90 grams. From co-accused Surjeet Singh, currency amounting to Rs. 3,400/- along with 13.63 grams of heroin was recovered, and after excluding the polythene foil, the net weight of the contraband was found to be 13.30 grams.

3. Learned counsel for the petitioner submits that petitioner is a young boy aged about 23 years and is not involved in any other case under the provisions of the NDPS Act. It is further submitted that the petitioner has been falsely implicated in the present case by the police.

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Counsel contends that the quantity allegedly recovered from the petitioner is non-commercial in nature. It is further pointed out that co-accused Surjeet Singh has already been granted the concession of regular bail by this Court vide order dated 23.04.2026 (Annexure P-2) passed in CRM-M-20709-2026, and seeks parity. It is further submitted that petitioner is in custody since 26.01.2026.

In view of the above submissions, learned counsel prays for the grant of regular bail to the petitioner.

4. Learned State counsel opposes the prayer for grant of regular bail and submits that the petitioner was apprehended at the spot along with co-accused and recovery of contraband has been effected from his conscious possession. It is further submitted that the recovery in the present case falls within the category of intermediate quantity under the NDPS Act and the matter is at the stage of investigation/trial, as the case may be. Learned State counsel submits that the allegations are serious in nature and petitioner does not deserve the concession of regular bail at this stage.

5. I have heard learned counsel for the parties and perused the paper-book alongwith the appended documents.

6. Considering the fact that petitioner is a young boy and stated to be a first-time offender under the provisions of the NDPS Act, and keeping in view the nature of allegations as well as the quantity of contraband allegedly recovered, this Court is of the view that the petitioner can be better rehabilitated in society rather than being kept in continued custody. It is further noticed that similarly situated co-accused-

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Srujeet Singh, has already been granted the concession of regular bail by this Court. Further, trial is likely to take considerable time to conclude. In these circumstances, this Court is of the view that no substantial purpose would be served by keeping the petitioner any longer in custody.

Accordingly, without expressing any opinion on the merits of the case, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. However, it is made clear that in case the petitioner is found involved in the future in any offence under the provisions of the NDPS Act, a strict view shall be taken while considering any plea for bail in future.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

18.05.2026***Rashmi***

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*