

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:013101



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CRM-M-47393-2025 (O&M)
Date of decision:29.01.2026

Chhinderpal Singh @ Chhindi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Riffi Birla, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. Instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking concession of regular bail in case bearing FIR No.51, dated 17.03.2019, registered under Section 21 of the NDPS Act, at Police Station Sadar Fazilka, District Fazilka.

2. The aforementioned FIR was registered on the allegations that on 17.03.2019, a secret information was received to the effect that on the previous night, some persons had got smuggled heavy quantity of heroin from Pakistani smugglers across fencing wires and the contraband was stated to be lying in the area falling within the area of Gulababheni and within the jurisdiction of BSF Post GG-1 area. It was also informed that the smugglers of Punjab could take it and supply the same thereafter. Believing

the secret information to be true, a joint search operation was launched by a police party along with officials of BSF. They reached at the disclosed place and 04 packets containing heroin were recovered from the area of BPO-GG-1 near bridge river. On weighing, total 02 kgs of heroin was found to be kept in those packets, which was taken into possession by the police. Investigation proceedings were initiated. During investigation, witnesses, Bagga Singh and Kulvir Singh recorded their statements on 18.01.2020 to the effect that as on the relevant point of time, they had seen the present petitioner while roaming in the area from where the recovery was made. The petitioner was nominated as an accused. He was arrested on 18.01.2025. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis statements allegedly recorded by Bagga Singh and Kulvir Singh. He had never visited the area from where the recovery has been effected. He was not named in the FIR. No recovery has been effected from him. There is no material on record to connect him with the commission of the subject offence. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Rigors of Section 37 of the NDPS Act are not attracted against him. The trial will take considerable time to conclude since even charges have not been framed. It is, therefore, argued that he deserves to be extended the benefit of bail.

4. Status report and custody certificate have been filed. It is argued by learned State counsel that in view of the gravity of the allegations as levelled against the petitioner and his antecedents, he does not deserve to be

extended the benefit of bail.

5. This Court has heard rival submissions made by both the parties.

6. The petitioner was not named in the FIR. He has been involved in this case on the basis of statements allegedly made by two independent witnesses, namely, Bagga Singh and Kulvir Singh, to the effect that the petitioner was found roaming in the area from where the recovery had been effected. No recovery has even been effected from him. He is not required for further investigation. The question as to whether rigors of Section 37 of the NDPS Act are attracted in this case or not, would be decided during the course of trial. Though, he is shown to be involved in several other cases including one under the provisions of the NDPS Act, however, on that account alone, he cannot be denied benefit of bail. Taking into consideration the period spent by him in custody and the above discussed facts and circumstances, this Court is of the considered opinion that a case is made out for grant of bail to the petitioner. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court, and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court. He shall surrender his passport, if any, furnish details of his cell phone and Aadhar card, and shall not change his mobile number(s) during the pendency of the trial.

7. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

29.01.2026

harjeet

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

(MANISHA BATRA)
JUDGE