



CRM-M-64021-2025

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

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**CRM-M-64021-2025
Decided on :11.02.2026**

Balwinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Adarshdeep Singh, Advocate for the petitioner.

Mr. Rahul Jindal, Asst. A.G., Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present third petition has been filed under Section 483 of the BNSS, seeking regular bail in FIR No. 50 dated 24.03.2024, under Section 21 of NDPS Act (Section 29 of NDPS Act was added later on), registered at Police Station Special Task Force, Phase-4, Mohali.

2. First bail petition, i.e., CRM-M-53659-2024, was withdrawn on 09.01.2025. Second bail petition, i.e., CRM-M-41010-2025, was also withdrawn with liberty to file a fresh bail petition after completion of two years of custody in the present FIR.

3. Learned counsel for the petitioner submits that a sympathetic view may be taken, as there is no other male member in the petitioner's family. Therefore, due to the dire need for his presence to look after the household affairs, present petition has been filed approximately 45 days prior to the completion of two years of custody,

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which the petitioner had earlier undertaken before this Court while withdrawing the second bail petition.

4. Present case was registered against the petitioner on the basis of secret information, without any recovery of contraband having been effected at that stage. However, subsequent to the registration of the FIR, a recovery of 800 grams of heroin was allegedly effected from a Swift Dzire car bearing registration No. DL-7CH-5228.

5. Learned counsel for the petitioner further submits that petitioner is in custody for the last approximately one year, ten months, and seventeen days. Despite the charges having been framed on 13.11.2024, only one prosecution witness out of a total of 29 has been examined so far.

6. Counsel further submits that the recovery in the present case was effected on 24.03.2024 from the aforesaid vehicle. However, as per the investigation itself, the vehicle was not in the possession of the petitioner at the relevant time. To fortify this submission, learned counsel contends that, in order to create a connection between the petitioner and the car in question, two e-stamp papers were allegedly prepared during the investigation on 30.08.2024, and writings were subsequently executed thereon to falsely implicate the petitioner in the present case by showing his connection with the vehicle at the time of the alleged recovery of heroin.

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The first e-stamp paper was executed by Raj Kumar, stating therein that he had sold the car in question to one Harbhajan Lal on 09.12.2018.

In the second e-stamp paper dated 30.08.2024, it was stated that Harbhajan Lal had purchased the car from Raj Kumar on 09.12.2018. In the same affidavit, it was further mentioned that Harbhajan Lal had sold the car to one Balwinder Singh (petitioner herein) on 10.11.2022.

7. While opposing the prayer for bail, learned State Counsel submits that 800 grams of heroin, being a commercial quantity, was recovered in the present case and, therefore, the rigours of Section 37 of the NDPS Act are attracted. Learned State counsel further submits that petitioner has been duly connected with the vehicle from which the contraband was recovered, and the allegations regarding fabrication of documents are matters of defence to be considered during trial.

Considering the gravity of the offence and the statutory bar under Section 37 of the NDPS Act, learned State counsel prays for dismissal of the present petition.

8. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto, including the status report.

9. Without going into the question, whether petitioner had any connectivity or not with the car, it is noticed that he has already suffered incarceration for a period of one year, ten months, and seventeen days i.e.

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nearly two years. Moreover, no prosecution witness has been examined so far out of a total of 29. Considering also that petitioner, aged 41 years, has no prior record of involvement in any similar offence, this Court deems it appropriate to consider the petitioner's plea for bail.

Consequently, 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/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. 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.

11. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.02.2026***Rashmi***

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