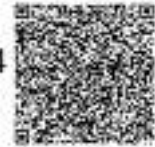


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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2026:PHHC:033434



CRM-M-64279-2025 (O&M)
Date of decision: 05.03.2026.

BALJEET

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

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

Present :- Ms. Preeti Singh, Advocate,
for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana, assisted by
SI Neer Kumar, No.165/Jind.

VINOD S. BHARDWAJ, J. (Oral)

This is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.158 dated 02.06.2025, under Section(s) 20 (b)(ii) B of the Narcotic Drugs and Psychotropic Substances Act, 1985, (Section 29 of the NDPS Act added later on) registered at Police Station Bawani Khera, District Bhiwani.

The aforesaid FIR was registered on the statement of P/ASI Ajay Kumar which reads thus: -

“To, Incharge, Police Station Bawani khera, Jai Hind, today on dated 02.06.2025 at 3.50 pm, I P/SI Ajay Kumar along with HC Devendra 646, along with Constable Vikas 874, Constable Sandeep 40, along with government vehicle HR16GV-7069, along with driver EHC Vishu 457, along with investigation kit, laptop and printer, were present on patrol investigation for crime prevention at Badesra Mod Dhanana, when a special informer met and informed that Baljeet son of Ramrup, resident of Badesra, works in selling illegal drug Charas Sulfa. He is even today trying to sell the drug to a customer outside a grocery shop in village Badesra. If an immediate raid is conducted, Baljeet can be caught on the spot along with illegal drug Charas Sulfa at the above mentioned spot. Considering the information of the special informer to be reliable, the special informer was relieved after giving appropriate instructions and fellow employees were informed about the information. The secret information is being sent to Police Station Bawani khera Bhiwani by Constable Vikas 874 for information to the higher authorities. After registering the report, inform through the copy of the diary. The P/SI along with his fellow employees along with the vehicle reached the place mentioned by the special government informer near village Mitathal Mod Badesra where a person was seen standing near a grocery shop, Who on seeing the police party started walking towards Meham Road, whom the P/SI controlled with the help of his fellow employees and asked his name and address, he told his name as Baljeet son of Ramrup resident of Badesra district Bhiwani. On which the P/SI wrote a notice under section 50 of NDPS Act as per the provisions of NDPS Act that it is every possibility that you Baljeet son of Ramrup Pasi Baderara district Bhiwani have illegal drug Charas Sulfa, therefore, you have to

be searched legally, therefore you are informed through this notice that for your search for illegal drug Charas Sulfa, you can be produced before the nearest Area Magistrate or you can be searched on the spot by a Gazetted officer, which Gazetted officer can be called on the spot. You should tell in writing before whom you want to undergo personal and physical search, on which above mentioned suspect Baljeet gave in writing separately that I want to get my personal and physical search done on the spot in front of a Gazetted officer, on which IP/SI called Shri Hari Dutt SDO Bhiwani on his mobile number 9050629008, appointed gazetted officer of police station Bawani khera, named in the list of empowered Gazetted officers issued by the office of District Magistrate Bhiwani, from his mobile number 8595488867 at 5.16 PM and informed him about the situation at the spot and requested him to come to the spot. At 5.50 PM, constable Vikas 874 later got the report registered and came to the spot with my copy of the registered diary, who has the signature and impression of the P/SI on the copy of the report and diary. Which is attached herewith. After informing the police station Bhiwani about the situation at the spot, the passerby were asked about becoming an independent witness in the police action. Rajkumar gave his consent to become an independent witness. After waiting, at 07.15 PM, Gazetted officer Shri Hari Dutt SDO Bhiwani along with his staff arrived at the spot in two passenger vehicle number HR 16GV 4089, who was again informed about the situation at the spot. To do videography in compliance with section 105 BNSS, the PSI handed over his mobile phone to constable Sandeep (40) and instructed him to videograph the proceedings at the spot, on which constable Sandeep (40) started videography through e-Sakshi app in my mobile phone. During the search of the P/SI as per the rules, the gazetted officer Shri Hari Dutt SDO Bhiwani brought him to the spot for search and no incriminating substance or objectionable item was recovered from the I P/SI. The search report was prepared separately by

the investigator Gazetted officer Shri Hari Dutt SDO Bhiwani instructed P/SI to search the above mentioned suspect Baljeet. On which, as per the instructions of Gazetted officer Shri Hari Dutt SDO Bhiwani, the search of the above mentioned suspect Baljeet was carried out by the PSI in the presence of Gazetted officer Shri Hari Dutt SDO Bhiwani and an independent witness. During the search, a yellow coloured waxy polythene was found in the right pocket of the pant worn by suspect Baljeet. When it was opened and checked, illegal drug Charas Sulka was found in the polythene as per the experience of the P/SI. The illegal drug Charas Sulka was weighed along with the polythene using a digital weighing scale kept in the government vehicle and the weight of the illegal drug Sulfa was 390 grams pure weight. The illegal drug Charas Sulfa was put back in the yellow coloured waxy polythene and a cloth bag was prepared. The illegal drug Charas Sulfa of packet was stamped with seal KK/1 and the sample seal was also stamped with seal KK/1. The sample seal was handed over to witness HC Devendra 646 for use after the seal. Gazetted Officer Shri Hari Dutt SDO Bhiwani stamped the packet and the sample seal with his seal KK/1 and also stamped the sample seal with KK/ and kept the seal with himself. The FIR of the drug Charas Sulfa was prepared which was also verified by Gazetted Officer Shri Hari Dutt SDO Bhiwani. Gazetted Officer Shri Hari Dutt SDO Bhiwani verified the FSL form related to the case and after giving appropriate instructions, left the spot at 7.55 PM. The above mentioned accused Baljeet has committed the crime under section 20 B (II) b-61-85 NDPS Act by keeping 390 grams of illegal Narcotic Substance Sulfa in his possession, on which a complaint has been written and a case has been registered against him. Constable Vikas 814 along with the government vehicle is being sent to Bawani khara police station. After registering the case, he should be informed with the case number. A special report of the case should be sent to the officers through proper medium. A competent investigator should

be sent to the spot for further investigation. I P/SI is present at the spot today- Mitathal Mod village Badesara. SD/-P/SI Ajay Kumar Detective Staff Loharu Date 02.06.2025 AT-8.30 PM Arrival with complaint Constable Vikas 874/BWN On receipt of complaint in the police station, case no. FIR No. 158 dated 02.06.2025 under section 20B(II)b-61-85 NDPS Act was registered at Bawani khera Police Station and personal investigator PSI Ajay Kumar was sent after handing over the copy of the FIR along with the false complaint of constable Vikas 874. For investigation of the case, second investigator SI Nir Singh 165/Jind along with HC Devendra Kumar went to the spot of incident in government vehicle no. HR 16 GV 5145 along with driver Constable Monu Kumar 156. A copy of the copied FIR will be sent to the Area Magistrate and Officers. The case was registered in the presence of SI Nir Singh 165/Jind."

Learned counsel appearing on behalf of the petitioner contends that 390 grams of charas, which is an intermediate quantity, has been recovered from the petitioner. She submits that the first petition filed by the petitioner seeking grant of regular bail was withdrawn on 06.11.2025 since the petitioner had not mentioned about his involvement in another criminal case of similar nature wherein 300 grams of charas was recovered from the petitioner. She submits that the petitioner is in custody since 02.06.2025 and has already undergone an actual custody of nearly 09 months. She submits that out of 17 witnesses cited by the prosecution, only 04 witnesses have been examined so far and thus the conclusion of trial shall take long.

State counsel does not dispute the quantity of charas recovered from the petitioner and that the same is an intermediate quantity. She, however, contends that there is another case of recovery of charas from the

petitioner. The recovery of 300 grams in said case which is an intermediate quantity, is not disputed. The stage of the trial is also not disputed.

Having heard the learned counsel for the parties and taking into consideration the actual period of custody undergone by the petitioner which is nearly 09 months in a case of recovery of intermediate quantity of charas and the stage of the trial where only 04 witnesses out of 17 witnesses cited by the prosecution have been examined so far, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

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.

March 05, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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