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

CRM-M-67739-2025 (O&M)

Date of decision: 18.03.2026

Gurwinder Singh

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rahul Kadian, Advocate (through VC)
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)**CRM-11246-2026**

Application is allowed as prayed for.

Copy of order dated 23.12.2024 passed by learned Additional
Sessions Judge, Hisar is taken on record.

Main case

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to them in case FIR No.921 dated 03.11.2024, under Sections 21(b), 29 of the NDPS Act, 1985, registered at Police Station Sadar Hissar, District Hisar.
2. Succinctly, facts of the case are that on 03.11.2024 the police party while on patrolling in connection with crime investigation, were present at Sirsa Chowk Hissar where a secret informer informed that one Maninder Singh was involved in selling of heroin. It was informed that he was standing at Buffalo Farm on Bagla Road and waiting for someone. and if raid is conducted, he could be apprehended at the spot along with



the contraband. On receiving the information, the police reached the place as disclosed and a young boy as disclosed was found standing. On seeing the police, he tried to escape however, he was apprehended by the police. On asking, he disclosed his name as Maninder Singh. He was suspected to be carrying some contraband. Thus, search was conducted and 83.25 grams of heroin was recovered from the possession of the co-accused. He failed to produce any license regarding the possession of the contraband. Thus, the FIR was registered and he was arrested on the spot. The investigation commenced. During investigation, the complicity of Gurwinder Singh (present petitioner) was surfaced on the basis of disclosure statement of co-accused, namely, Maninder Singh. On completion of the investigation, challan was presented and charges were framed. Petitioner approached the Court of learned Additional Sessions Judge, Fast Track Special Court, NDPS Act, Hisar, praying for grant of regular bail. However, after hearing counsel for the parties, the same was declined vide order dated 03.09.2025. Hence, the petitioner has approached this Court by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that petitioner has been falsely and frivolously implicated in the present case. He submits that as per the case of prosecution, the alleged recovery of 83.25 grams of heroin was effected from the co-accused, which is a non-commercial quantity. He submits that even otherwise, the recovery from the co-accused is in violation of provisions of Section 50 of the NDPS Act. To buttress his arguments, learned counsel contends that the petitioner has been arrayed as an accused on the basis of disclosure statement of co-accused which is not even an admissible evidence and the



co-accused from whom, recovery was made, has already been granted bail by the learned Judge, Special Court. He further submits that though the petitioner was falsely implicated in three other cases, in one case, he has been acquitted and in remaining cases, he is on bail. He, thus, submits that in the facts and circumstances of the present case, the petitioner deserves to be granted regular bail.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that the complicity of the petitioner surfaced during investigation who was found to be a supplier of the contraband. He submits that the alleged recovery of 83.25 grams of heroin was effected from the co-accused. He, on instructions, submits that the investigation is complete and charges are framed. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery of 83.25 grams of Heroin was effected from co-accused which is a non-commercial quantity. As submitted, co-accused from whom the recovery was effected, has already been granted bail by the Court below. Petitioner in the present case has been arrayed as an accused, on the basis of disclosure statement of co-accused. Custody certificate filed by the State would show that the petitioner has undergone incarceration of 09 months and 07 days as on 17.03.2026. It further reflects that though the petitioner was involved in 03 more cases, in 02 cases, he is on bail and in 01 case, he has been acquitted. As submitted, investigation is complete and charges have been framed.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. However, keeping in view the overall facts and circumstances of the present case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.03.2026
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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