

2026:PHHC:014513



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

CRM-M-70636-2025

Arin Singh @ Aryan

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: February 02, 2026

Date of Uploading: February 02, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Sonal Singh Godara, Advocate for the petitioner
(presence marked through video-conferencing).

Mr. Gurmeet Singh, AAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner, in case bearing FIR No.220 dated 17.10.2025, registered for the offences punishable under Sections 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Sector 53, Gurugram, District Gurugram.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 109.39 grams of *sulfa* (charas) from one plastic polythene from the right pocket of the petitioner.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 17.10.2025. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that mandatory provisions of the NDPS Act have not scrupulously been complied with and, thus, the prosecution case suffers from defects. Learned counsel has iterated that the contraband alleged to have been recovered from the petitioner is 109.39 grams of *sulfa* (charas), which is non-commercial in nature. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner ought not to be extended concession of regular bail. Learned State counsel seeks to place on record custody certificate dated 27.01.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 17.10.2025 and is in continuous custody since then. Upon culmination of investigation, the challan has been presented on 12.12.2025. Total 13 prosecution witnesses have been cited, out of which, one has been examined till date. It is not in dispute before this Court that contraband alleged to have been recovered from the petitioner, is 109.39 grams of *sulfa* (charas), which is non-commercial quantity in nature. Hence, rigors of Section 37 of the NDPS Act would not apply in this case. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it

may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 27.01.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 11 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail.

In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 02, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No