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

**CRM-M No.71486 of 2025
Date of Decision: 25.03.2026**

Inder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanjiv Kumar Gupta, Senior Advocate with
Mr. Lavish, Advocate
for the petitioner.

Ms. Diya Sodhi, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

CRM-51454-2025

Allowed as prayed for.

CRM-M-71486-2025

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.200, dated 19.07.2024, under Sections 20B(ii)C & 29 of NDPS Act, registered at Police Station Baruda, District Sonapat.
2. Succinctly, the facts of the case are that the police party while on patrolling on 19.07.2024, received a secret information to the effect that Santraj son of Jile Singh was involved in the business of selling charas. It was informed that he was carrying a large quantity of *charas* in the lane in front of his house in village Chhataihra and was trying to sell the same and

in case of raid, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and reached the place as disclosed in the secret information. A person, as disclosed in the secret information, was seen standing holding a white, green and yellow coloured plastic bag (katta) in his hand. On seeing the police party, he got perplexed and tried to escape, however, with the help of the police officials, he was apprehended. On asking, he disclosed his name to be Santraj. He was suspected to be carrying some contraband in the plastic bag being carried by him and thus, search of the same was conducted. On conducting the search of the same, 2 Kgs 832 Grams of Charas was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, the challan was presented and on framing of charges, the trial commenced. During the investigation, complicity of the petitioner, namely, Inder Singh, surfaced and thus, he was arrayed as an accused in the present case. Resultantly, the petitioner was arrested in the present case on 25.10.2024. The petitioner approached the Court of learned Additional Sessions Judge, Sonipat praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Sonipat declined the bail application filed by the petitioner vide order dated 04.02.2025. Being aggrieved, the petitioner earlier approached this Court twice praying for the grant of regular bail by way of filing CRM-M-10701-2025 and CRM-M-31806-2025, however the same were dismissed vide orders dated 02.04.2025 and 17.09.2025. Hence

being aggrieved, the petitioner is again before this Court praying for the grant of regular bail by way of filing the present third petition.

3. Learned Senior counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery of 2 Kgs 832 Grams of Charas has been recovered from the co-accused, namely, Santraj. He has submitted that the case of the prosecution is based on the secret information, however, there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search. He has submitted that the petitioner was neither named in the FIR nor any recovery has been effected from him in the present case. He has submitted that the petitioner has been implicated in the present case during the investigation on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has submitted that the petitioner is behind bars from last about 1 year 05 months, however, there is no material progress in the trial and thus, his right of speedy trial has been miserably defeated. He has submitted that though the petitioner is involved in 05 other cases, however, in 04 of the cases, he has been acquitted and in 01 case, his sentence has been suspended. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that complicity of the petitioner has duly surfaced during the investigation as he was found to be the supplier of the contraband recovered from the co-accused. She has submitted that the recovery

effected in the present case from the co-accused is commercial in nature, and thus, the provisions of Section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of total 24 prosecution witnesses, no witness has been examined so far. She has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the secret information. The petitioner was not named in the secret information. The recovery has been effected in the present case from the co-accused. The petitioner has been arrayed as an accused in the present case on the basis of disclosure statement of co-accused. Though the investigation is complete, charges have been framed, however, out of total 24 prosecution witnesses, no witness has been examined so far. Custody certificate produced would show that the petitioner has suffered an incarceration of 01 year and 05 months as on 24.03.2026. It further reflects that though the petitioner is involved in 05 other case, however, in 04 of the cases, he has been acquitted and in 01 case, his sentence has been suspended.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.



9. 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.
10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.03.2026

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

(RAJESH BHARDWAJ)
JUDGE