

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

2026:PHHC:006371



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CRM-M-72376-2025

Date of decision: 19.01.2026

Date of uploading: 19.01.2026

**Iqbal Singh @ Kala**

...Petitioner

V/s

**State of Haryana**

....Respondent

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Abhishek Narang, Advocate for the petitioner.

Ms. Priyanka Sadar, Sr. DAG, Haryana.

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**SUMEET GOEL, J. (ORAL)**

1. Present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in case FIR No. 186 dated 12.10.2025, registered under Sections 21(b) of the NDPS Act, 1885, at Police Station Sadar Rattia, District Fatehabad.

2. The gravamen of the allegations against the petitioner is that the petitioner was apprehended by the police upon secret information. Upon having conducted search thereof, recovery of 8.39 grams of heroin was allegedly effected from him.

3. Learned counsel for the petitioner has submitted that the petitioner is in custody since 12.10.2025. Learned counsel for the petitioner further submitted that the petitioner has been falsely implicated

into the FIR in question. Learned counsel has further submitted that the mandatory provisions of the NDPS Act have not been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has iterated that the contraband alleged to have been recovered from the petitioner is 8.39 grams of Heroin, which is non-commercial quantity specified in the notification issued under the NDPS Act. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 3.11.2025. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 09.01.2026 in Court, which is taken on record.

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

6. The petitioner was arrested on 12.10.2025 whereinafter investigation was carried out and challan was presented on 08.12.2025. Total 20 witnesses have been cited, but none has been examined till date. The contraband alleged to have been recovered from the petitioner is 8.39 grams of Heroin, which is indubitably non-commercial quantity, hence rigor of Section 37 would not apply.

The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR, shall be gone into 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

6.1. As per the custody certificate dated 09.01.2026 filed by the learned State counsel, the petitioner has suffered incarceration for more than 2 months and 27 days. As per the said custody certificate, the petitioner is stated to be involved in three more cases. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be

imposed by the concerned CJM/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 cell phone 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/Illaqa 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 she 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 her being enlarged on bail in the present FIR, on the basis of her affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of her 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 CJM/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

January 19, 2026  
Naveen

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