



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35075-2026
Date of Decision: 08.07.2026

DHARMENDER SINGH ALIAS BHINDER ALIAS GALAUCK

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Bhanu Chaudhary, Advocate for the petitioner.
Mr. Karan Veer Singh, Senior DAG, Haryana.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973), seeking the concession of regular bail to the petitioner in FIR No. 93 dated 06.04.2026, registered under Sections 21(b) of the NDPS Act at Police Station Kalanwali, District Sirsa, Haryana (Annexure P-1).

2. As per the prosecution, on 06.04.2026, while the police party was on patrolling duty, it noticed a white Chevrolet Cruze bearing registration No. HR-26-BF-7075 parked on a deserted road near HUDA Sector, Kalanwali. On seeing the police party, the driver allegedly attempted to flee but was apprehended. During the search of the vehicle, a black polythene packet containing 129 grams of heroin was allegedly recovered from near the gear lever. After completing the prescribed formalities, the contraband and the vehicle were taken into possession, and the petitioner was arrested. Consequently, the present FIR was registered against him.



3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is innocent. He further submits that the petitioner has been in judicial custody since 06.04.2026, the investigation is complete, and the challan has already been presented; therefore, his further custodial interrogation is not required.

3.1 Learned counsel contends that the alleged recovery has been effected in violation of the mandatory provisions of the NDPS Act, particularly Section 50, as neither a Gazetted Officer nor a Magistrate was associated with the search. It is further submitted that no independent witness was joined during the alleged recovery. He further submits that the petitioner had already been nominated in FIR No. 92 dated 05.04.2026 on the basis of the disclosure statement of a co-accused, whereas the present FIR was registered on the following day alleging recovery from a vehicle which is not owned by the petitioner.

3.2 Learned counsel submits that the alleged recovery is of intermediate quantity; therefore, the rigours of Section 37 of the NDPS Act are not attracted. He further submits that the petitioner undertakes to abide by all the terms and conditions that may be imposed by this Court while granting the concession of regular bail. It is submitted that the petitioner shall appear before the learned Trial Court on each and every date of hearing, shall not tamper with the prosecution evidence or influence any prosecution witness, shall not abscond from the process of law, and shall not misuse the concession of bail in any manner.

4. Notice of motion.



5. Mr. Karan Veer Singh, learned Senior Deputy Advocate General, Haryana, has put in appearance on behalf of the respondent-State and opposed the present petition. He submits that the petitioner is a habitual offender with criminal antecedents involving offences under the NDPS Act. It is further submitted that, in the event of his release on bail, there is a likelihood of his indulging in similar offences and misusing the concession of bail.

6. Be that as it may, considering the fact that the petitioner has been in judicial custody since 06.04.2026, the investigation stands concluded, the challan has already been presented before the learned Trial Court, and the charges have been framed, whereas none of the prosecution witnesses has been examined till date, this Court is of the considered view that the trial is likely to take considerable time to reach its logical conclusion. Consequently, no useful purpose would be served by keeping the petitioner incarcerated for an indefinite period, especially when his further custodial interrogation is no longer required.

7. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (CrI.) No. 8523/2024). In the present case, the trial is likely to consume considerable time before reaching its logical



conclusion. In these circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

8. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

- 1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.*
- 2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.*
- 3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.*
- 4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.*



5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

08.07.2026

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Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No