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CRM-M-36006-2026

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

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CRM-M-36006-2026
Date of decision : 10.07.2026

VIRENDER KUMAR ALIAS BINDER

... PETITIONER

Versus

STATE OF HARYANA

.. RESPONDENT

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Kuldeep Singh Siwach, Advocate for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

H.S. Grewal, J.(Oral)

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C.) seeking regular bail to the petitioner in case FIR No.284 dated 15.09.2024, under Sections 22(C) of the NDPS Act, (Sections 27-A & 29 of the NDPS Act added later on), registered at Police Station Sadar Tohana, District Fatehabad.
2. The case of the prosecution is that on the basis of secret information, co-accused Surender Singh was apprehended and from his possession, recovery of 37 cardboard boxes containing Celcidale NRx Tramadol Hydrochloride Tablets 100 mg, total weighing 7.363 kilograms; 3 boxes containing 150 strips of Clovvidal-100 SR NRx Tramadol Hydrochloride SR Tablets IP 100 mg, weighing a total of 861 grams; and 4 boxes containing 240 strips of Quiler 0.5 NRx Alprazolam Tablets IP 0.5 mg, weighing a total of 333 grams and 6 milligrams, was allegedly effected. During the course of



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investigation, co-accused Surender Singh suffered disclosure statement regarding his involvement in the crime along with co-accused Mandeep, Amar Singh Bidhuri alias Bittu and Virender Kumar alias Binder (petitioner).

3. Learned counsel for the petitioner, however, submits that the petitioner was not named in the FIR and was arraigned as an accused only on the basis of disclosure statement of co-accused Surender Singh. Besides the disclosure statement, there is no incriminating material qua the petitioner which would connect him with the alleged recovery and nothing has been recovered from him. Learned counsel further submits that the disclosure statements allegedly suffered by the co-accused during police custody are not admissible in evidence unless duly corroborated by independent material. It is further submitted that there is non-compliance of mandatory provisions of the NDPS Act as no independent witness was joined and the secret information was not reduced into writing. He further submits that the petitioner is in custody for the last more than 01 year, 04 months and 20 days and co-accused Sukhneet Singh @ Timmy has already been granted bail by this Court in CRM-M-30494-2026 on 01.07.2026 (Annexure P-3). He, therefore, prays for release of the petitioner on regular bail as the trial qua the petitioner is likely to take a long time as only 01 out of 28 cited prosecution witnesses has been examined so far.

4. Notice of motion.

5. On the asking of the Court, Mr. Vipul Sherwal, AAG, Haryana, accepts notice on behalf of the respondent and vehemently opposes the prayer for grant of regular bail to the petitioner. He has filed the custody certificate of the petitioner in Court, which is taken on record. As per the custody certificate,



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the petitioner is in custody for the last more than 01 year, 04 months and 20 days. He, upon instructions, submits that only 01 out of 28 cited prosecution witnesses has been examined so far.

6. I have heard the learned counsel for the parties and perused the record.

7. In view of the above submissions of learned counsel for the parties and keeping in view the facts that the petitioner is in custody for the last more than 01 year, 04 months and 20 days, he was not named in the FIR, no recovery has been effected from him and that the trial is likely to take a long time to conclude as only 01 out of 28 cited prosecution witnesses has been examined so far, therefore, this Court deems it appropriate to grant the concession of regular bail to the petitioner during the pendency of the trial as the continuous detention of the petitioner would not serve the ends of justice.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. However, it is made clear that in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of his bail.

July 10, 2026
A.Kaundal

(H.S.GREWAL)
JUDGE

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