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

CRM-M-26788-2025

Date of decision : 21.05.2025

**Balwinder Singh @ Shurli****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Ritesh Pandey, Advocate  
for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.39 dated 19.03.2025, under Sections 21, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Shri Hargobindpur Batala, District Gurdaspur.
2. Learned counsel for the petitioner has submitted that during investigation, offence under Section 27-A of NDPS Act and Section 111 of BNS Act, were added. He thus, prays for addition of the said sections in the abovementioned FIR.
3. Learned State counsel has no objection to the prayer made by learned counsel for the petitioner.
4. Prayer made by learned counsel for the petitioner is accepted and offence under Section 27-A of NDPS Act and Section 111 of BNS Act, is ordered to be incorporated in the abovementioned FIR.
5. Succinctly, the facts of the case are that the police party while on patrolling on 19.03.2025, reached at canal bridge, where they saw a



clean shaven person coming, on seeing the police he got perplexed and took out an envelope from the right pocket of his trouser and threw it on the ground. On suspicion, he was stopped and on asking he disclosed his name as Harwinder Singh @ Happy. The envelope thrown by him was checked and it was found containing 02 grams of heroin. He failed to produce any licence for the possession of the same and thus, FIR was registered and he was arrested on the spot. During interrogation, he disclosed that he purchased the contraband recovered from Balwinder Singh @ Surli (petitioner). Thus, the petitioner was also arrayed as an accused in the present case. The police arrested the petitioner on 22.03.2025. At the time of arrest 2 grams of heroin was recovered from petitioner-Balwinder Singh @ Surli as well. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. Petitioner approached the Learned Judge, Special Court, Gurdaspur for grant of bail, however, after hearing both the sides, the same was declined by the Learned Judge, Special Court, Gurdaspur vide order dated 15.04.2025. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

6. It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner was arrayed as an accused on the basis of disclosure statement of the co-accused from whom 02 grams of heroin was recovered. He submits that the disclosure statement in itself is not an admissible evidence. However, the petitioner having been implicated in the present case, on the basis of disclosure statement was arrested and 02 grams of heroin was planted upon him. He submits that even otherwise the recovered heroin falls under the category of small quantity for which



the maximum sentence is 06 months and the provisions under Section 37 of NDPS Act, are also not attracted. He submits that the petitioner though involved in other 06 cases but the petitioner either is acquitted or he has undergone the sentence.

7. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that though the recovery has been effected in the present case is of 02 grams of heroin, however, on arrest of the petitioner, 02 grams of heroin was recovered from him as well. She submits that petitioner is a habitual offender. She has produced the custody certificate of the petitioner. She, on instructions, has submitted that the case is under investigation.

8. On hearing counsel for the parties and perusing the record, it is inferred that 02 grams of heroin was recovered from the co-accused and the petitioner was named as an accused on the basis of disclosure statement of the co-accused. From the petitioner, on arrest, 02 grams of heroin was recovered. There is no denial to the fact that the recovered contraband falls under the category of small quantity. As per custody certificate, the petitioner is behind bars since 22.03.2025 and he has suffered an incarceration of 1 month and 27 days as on 20.05.2025. It further shows that petitioner is prosecuted in 06 other cases, but the petitioner either is acquitted or he has undergone in the said cases.

9. 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. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail.



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 Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.05.2025  
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( **RAJESH BHARDWAJ** )  
**JUDGE**

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