214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50470-2026
Date of Decision: 11.09.2026

DHRUP @ GOMI ...Petitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Sandeep Singh Jattan, Advocate with
Ms. Varsha Choudhary, Advocate,
Ms. Sundeep Kaurk, Advocate and
Mr. J.K. Jindal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, Additional AG, Haryana.

VIRINDER AGGARWAL, J. ***(Oral)***

1. The present petition is the first petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 Cr.P.C., 1973), seeking grant of regular bail to the petitioner in FIR No. 96 dated 21.03.2026, registered under Section 105 of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Section 304 IPC, 1860) and Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Ambala Cantt, District Ambala, during the pendency of the trial.

2. As per the prosecution, on 21.03.2026, information was received by the police that a person in an unconscious/intoxicated condition was lying near Balmiki Dharamshala, Balmiki Basti, Ambala Cantt, and that his motorcycle was parked in the street outside the said Dharamshala. On receipt of the said information, ASI Rakesh Kumar along with other police officials reached the spot. During search of the clothes of the said person, no

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incriminating article was recovered. However, from near the dead body, one empty polythene packet of chitta/smack and one used syringe along with a mobile phone cover were recovered. Shortly thereafter, the family members reached the spot and identified the person as Karan Singh, aged about 26 years. He was taken to Civil Hospital, Ambala Cantt, where he was declared dead. The father of the deceased, Jaipal Singh, stated that his son was addicted to drugs for about 5-6 years and had died due to excessive consumption/overdose of drugs, and requested legal action against the person who had supplied the intoxicating substance to him.

2.1 During investigation, co-accused Parvej Ahmad was arrested on 04.04.2026 and, pursuant to his disclosure statement, co-accused Dalip Kumar @ Deepu was arrested. Thereafter, co-accused Deepak was arrested and, as per the prosecution, his disclosure statement revealed that he along with deceased Karan Singh had consumed heroin/smack. Co-accused Prince @ Kalwa was thereafter arrested on the allegation that he had supplied the contraband to co-accused Deepak and deceased Karan Singh. The present petitioner, Dhrup @ Gomi, was subsequently arrested on 17.04.2026 on the basis of the disclosure statement of co-accused Prince @ Kalwa, with the allegation that, at the asking of Prince @ Kalwa, the petitioner had supplied 5 grams of heroin/smack to deceased Karan Singh and his friend Deepak. The post-mortem examination of deceased Karan Singh was conducted on 22.03.2026. The cause of death was kept pending till receipt of the chemical examination report. The petitioner is alleged to have committed the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023, as well as Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The

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challan has been presented before the learned Trial Court on 01.06.2026, charges are yet to be framed and the prosecution proposes to examine 19 witnesses. The petitioner has been in custody since 17.04.2026.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and was admittedly not named in the FIR. It is submitted that the FIR was initially registered on the statement of the father of the deceased, who himself stated that his son was a drug addict and had died due to excessive consumption/overdose of drugs, while the identity of the person who had allegedly supplied the intoxicating substance was not known. The petitioner was subsequently implicated only on the basis of the disclosure statement of co-accused Prince @ Kalwa.

3.1 Learned counsel submits that no contraband, drug, syringe, cash proceeds or any other incriminating article was recovered from the conscious possession of the petitioner or at his instance. The alleged role attributed to the petitioner is that he had supplied 5 grams of heroin/smack to the deceased Karan Singh and co-accused Deepak at the asking of co-accused Prince @ Kalwa. There is, however, no eyewitness to any such alleged supply and no independent material, such as CCTV footage, call detail records, location records or financial transactions, has been collected to connect the petitioner with the alleged offence. The prosecution case, insofar as the present petitioner is concerned, rests upon a chain of disclosure statements of co-accused, which is a matter to be tested during trial.

3.2 It is further submitted that there is no material to establish any direct nexus between the petitioner and the death of Karan Singh. The deceased was admittedly a drug addict and the alleged death was initially

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attributed by his father to drug overdose. The post-mortem report does not finally opine regarding the cause of death, which was kept pending till receipt of the chemical examination report. Thus, the prosecution has yet to establish that the death was directly attributable to any substance allegedly supplied by the petitioner or that the petitioner had the requisite knowledge or intention in relation to the death.

3.3 Learned counsel further submits that the petitioner has been in custody since 17.04.2026, the challan has already been presented on 01.06.2026 and there are 19 prosecution witnesses to be examined. Charges are yet to be framed and the trial is likely to take considerable time. It is also submitted that co-accused Prince @ Kalwa, on whose disclosure statement the petitioner has been implicated, has already been granted regular bail by this Court vide order dated 21.07.2026 passed in CRM-M-38122-2026. The petitioner has no other criminal case and has fully cooperated with the investigation.

4. Notice of motion.

5. Mr. Ramesh Kumar Ambavta, Additional AG, Haryana, has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 09.09.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 04 months and 22 days.

6. Learned State counsel opposes the present petition and submits that the petitioner is specifically alleged to have supplied 5 grams of heroin/smack to the deceased and co-accused Deepak. It is submitted that the petitioner was arrested during investigation on the basis of the disclosure

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statement of co-accused Prince @ Kalwa and his role is a matter to be established during trial.

7. Be that as it may, the petitioner was not named in the FIR and has been implicated subsequently on the basis of the disclosure statement of co-accused Prince @ Kalwa. No contraband was recovered from the conscious possession of the petitioner or at his instance. The alleged role attributed to him is of having supplied 5 grams of heroin/smack to the deceased and co-accused Deepak, but there is no eyewitness to the alleged supply and no independent or electronic evidence, as noticed, connecting the petitioner with the deceased or the alleged contraband. It is also significant that the post-mortem report does not finally opine regarding the cause of death, which was kept pending till receipt of the chemical examination report. Thus, at this stage, the direct nexus between any substance allegedly supplied by the petitioner and the death of Karan Singh remains a matter of evidence and trial. The petitioner has been in custody since 17.04.2026, the challan has already been presented on 01.06.2026, charges are yet to be framed and the prosecution proposes to examine 19 witnesses. The trial is, therefore, likely to take considerable time. Further, co-accused Prince @ Kalwa, on whose disclosure statement the petitioner was implicated, has already been granted regular bail by this Court vide order dated 21.07.2026. The petitioner is stated to be not involved in any other criminal case. Without expressing any opinion on the merits of the case, this Court is of the considered view that continued incarceration of the petitioner would not serve any useful purpose.

8. 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.

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(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 (Crl.) No. 8523/2024). 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.

9. 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,

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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

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

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