CNR No: PHHC011225912026
2026:PHHC:198323

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213

CRM-M-41378-2026
Decided on : 05.11.2026

DHARMINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. DPS Bajwa, Advocate, and
Mr. Gurinder Singh, Advocate,
for the petitioner.

Mr. Gurpartap Singh, AAG, Punjab.

****

SANJAY VASHISTH, J.

1. The instant 2nd petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Dharminder Singh, aged about 45 years	44	26.02.2025	22(C) of NDPS Act, and sections 345(3), 238(a) of BNS [corresponding to sections 482, 201 of IPC]	Phillaur	Jalandhar

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2. Learned counsel for the petitioner submits that first bail petition i.e. CRM-M-7497-2026, filed by the petitioner-Dharminder Singh, was dismissed by this Court at that stage, vide order dated 08.04.2026 (Annexure P-5), on the basis of incorrect information furnished by the State that total seven other cases were registered against the petitioner.

However, subsequently, petitioner came to know that an incorrect factual position had been projected by the State in its status report, as, in fact, only one case, i.e. the present one, was pending against him. It is in these circumstances that petitioner has approached this Court for the second time, seeking the concession of regular bail.

3. On 30.10.2026, the following order was passed by this Court:-

> *"2. First bail petition i.e. CRM-M-7497-2026 was dismissed at that stage on 08.04.2026 (Annexure P-5). From the status report, it was recorded that petitioner was involved in 07 other cases under the provisions of NDPS Act, and out of which, in 03 cases, he has been convicted. The details of which, are as under:*
>
> ***"CRIMINAL ANTECEDENTS:***
>
> *9. That as per record, apart from instant case FIR, following FIR(s) are registered against the petitioner:*

Sr. No.	***FIR Particulars***	**Status**
1.	*FIR No.86 dated 19.12.2016 under Sections 21, 22 of NDPS Act, registered at P.S. Division No.1, Jalandhar Status*	*Under Trial*
2.	*FIR No.3 dated 15.08.2018 under Sections 21 of NDPS Act, registered at P.S. Sadar Pathankot, Pathankot*	*Under Trial*
3.	*FIR No. 110 dated 30.09.2019 under Sections 21, 29 of NDPS Act, registered at P.S. Dhariwal, Gurdaspur*	*Under Trial*
4.	*FIR No. 13 dated 24.01.2023 under Section 21 of NDPS Act, registered at P.S. Sujanpur, Pathankot*	*Convicted*
5.	*FIR No.66 dated 26.03.2023 under Sections 21(b), 29 of NDPS*	*Convicted*

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	Act, registered at P.S. Phillaur, Jalandhar (Rural)	
6.	*FIR No. 175 dated 01.07.2023 under Sections 21(b) of NDPS Act, registered at P.S. Phillaur, Jalandhar (Rural)*	*Convicted*
7.	*FIR No.228 dated 16.08.2024 under Sections 21(b), 22 of NDPS Act, registered at P.S. Phillaur, Jalandhar (Rural)*	*Under Trial*

3. Custody certificate dated 27.10.2026 has been filed in the Court today and as per custody certificate earlier petitioner is shown to be accused in one case i.e. FIR No. 207 dated 23.09.2008 registered under Section 22-61-85 of NDPS Act at Police Station Phillaur, District Jalandhar and in the said case petitioner was convicted by the trial Court on 15.09.2011 to undergo RI for only 03 months with fine of Rs. 5000/- and in default of payment of fine to further undergo RI for 01 month.

4. Learned State counsel seeks an opportunity to clear the position, as to why in the status report filed in earlier petition was containing the details of 07 FIR against the petitioner.

5. Today, referring to the copies of the judgments and the FIR (in total 6 cases), learned counsel for the petitioner submits that in none of those 06 cases, which are discussed in the previous bail order also, petitioner was found involved as accused. The judgments and the FIR today produced in the Court also taken on record.

6. List again on 31.10.2026.

7. To be shown in the urgent list."

4. On 31.10.2026, the following order was passed by this Court:-

"Learned State counsel, on instructions from Inspector SHO Balwinder Singh, expresses his serious concern of giving false information in the status report filed in the proceedings of case bearing No.CRM-M-7497-2026 which was dismissed on 08.04.2026 (Annexure P-5) on the basis of the incorrect information regarding the cases, which were registered against the petitioner along with status. Learned State counsel produced the information received from the Additional Superintendent, Central Jail Kapurthala and the same is reproduced as under:-

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Sr. No.	***FIR Details***	***Present Status***
1.	*FIR No.207, dated 23.09.2008, under Sections 22/61/85 of the NDPS Act, Police Station Phillaur*	*Convicted on 15.09.2011*
2.	*FIR No.141, dated 17.09.2013, under Sections 22/61/85 of the NDPS Act, Police Station Sarhind, District Fatehgarh Sahib*	*Acquitted 28.03.2019*
3.	*FIR No.44, dated 26.02.2025, under Sections 22-C/29/31/61/85 of the NDPS Act and Sections 318(4), 345(3) and 238(A), Police Station Phillaur*	*Pending*

> *As per the information given above, only present case is pending against the petitioner whereas in one he was convicted on 15.09.2011 for the period already undergone and in another Fir No.141 dated 17.09.2013, he is shown to be acquitted on 28.03.2019.*
>
> *Let an affidavit be filed as to what action is taken against the police officials, who filed the status before this Court resulting into debarring of considering the bail petition, involving "question of liberty of person and the dismissal of the bail petition."*
>
> *List again on 05.11.2026.*
>
> *To be shown in the urgent list."*

5. Today, learned State counsel has placed on record an affidavit dated 04.11.2026, of Bharat Masih Ladhar, PPS, Deputy Superintendent of Police, Sub-Division Phillaur, District Jalandhar. The same is taken on record. Registry is directed to tag the said affidavit at its appropriate place on the case file.

6. A perusal of paragraph No.9 of the aforesaid affidavit reveals that the factual position regarding the cases registered against the petitioner, as noticed by this Court in its order dated 31.10.2026, has been categorically admitted to be correct.

7. In paragraph No.10 of the said affidavit, it has been explained that Constable (now ASI) Jagdish Dhand, No. 23/JAL, the then

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MHC of Police Station Phillaur, and ASI Mandeep Singh, No. 991/JAL, had furnished incorrect information without duly verifying the antecedents of the petitioner. The said lapse occurred on account of their failure to properly check and verify the relevant record before filing the status report dated 30.03.2026.

8. It has further been stated that, taking note of the aforesaid lapse and negligence, the SHO, Police Station Phillaur, recommended initiation of departmental action against the aforesaid officials in accordance with law. Consequently, departmental proceedings have been initiated against Head Constable (now ASI) Jagdish Dhand and ASI Mandeep Singh, by way of an inquiry under the Punjab Police Rules, vide Office Order No. 105489-92 dated 03.11.2026, issued by the office of SSP, Jalandhar (Rural).

9. The SSP concerned shall personally ensure that the aforesaid departmental inquiry is concluded and brought to its logical end expeditiously, preferably within a period of six months from today.

10. It is also considered necessary that appropriate instructions be circulated throughout the State to all police officers dealing with matters pending before the Courts, impressing upon them the necessity of properly verifying the antecedents and criminal history of the accused before furnishing any status report or affidavit before the Court, so that such instances of incorrect disclosure of material facts do not happen again.

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11. Coming to the merits of the present case, case of the prosecution is that total 150 tablets of Etizolam were recovered in the present case. However, from the possession of the petitioner, 30 tablets of Etizolam, weighing 2.7 grams, and 49 tablets of Tramadol were allegedly recovered.

12. Petitioner is being prosecuted for an offence involving commercial quantity of Etizolam, solely on the basis that weight of the salt of Etizolam allegedly recovered from him is stated to be 2.7 grams, which exceeds the prescribed threshold of 2.5 grams by merely 0.2 grams.

13. Be that as it may, petitioner is inside jail since 26.02.2025. Out of total 14 prosecution witnesses, only two have been examined so far. Thus, conclusion of the trial is likely to take considerable time. In these circumstances, keeping the petitioner behind bars for an indefinite period, particularly when the trial has made such limited progress, would serve no useful purpose.

14. In view of the totality of circumstances, nature of the allegations, period of incarceration already undergone by the petitioner, progress of the trial and, more particularly, the admitted factual position regarding the incorrect information earlier furnished by the State with respect to the criminal antecedents of the petitioner, this Court deems it appropriate to extend the concession of regular bail to the petitioner in the present case.

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Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

15. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

16. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

17. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

18. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.11.2026
Lavisha

Whether Speaking/Reasoned: **YES/~~NO~~**
Whether Reportable: **~~YES~~/NO**

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