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

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Date of decision: 15.10.2025

MAJOR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. H.S.Sandhu, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.41 dated 08.03.2019 under Sections 22 of NDPS Act, 1985 (Sections 61/85 of NDPS Act added later on) registered at Police City Patti, District Tarn Taran, Punjab.

2. Learned counsel for the petitioner contended that the petitioner is in custody since 09.12.2024. He further submits that the alleged recovered contraband i.e. 100 intoxicant loose tablets is marginally above the small quantity and falls under the ambit of intermediate quantity. He further submits that the trial will take long time as no prosecution witness has been examined till date.

3. Notice of motion.

4. Mr. Nitesh Sharma, DAG, Punjab, accepted the notice on behalf of the respondent-State and produced the custody certificate of the petitioner, which is taken on record. Learned State counsel vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that the petitioner was initially declared a proclaimed offender and was absent during the investigation.

He further stated that the petitioner is also involved in two other cases, one



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under the NDPS Act and another under Section 379 IPC. He further submits that charges have been framed, but no witness has been examined so far.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the fact that the present petitioner is in custody for the last more than one year; the alleged contraband falls under the category of non-commercial quantity; no prosecution witness has been examined till date, and the prosecution witnesses are police officials, there is no apprehension that the petitioner will tamper with the evidence upon release; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as measure of punishment and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. 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 bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

9. Pending application(s), if any, stand disposed of.

15.10.2025
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(SUBHAS MEHLA)
JUDGE

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