



CRM-M-37193 of 2025

-1-

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

207

CRM-M-37193 of 2025
Date of Decision: 29.08.2025

Gurwinder Singh alias Natha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Kulwinder Singh, Advocate
or the petitioner.

Mr. Satvir Singh Mander, AAG, Punjab.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.59 dated 21.05.2025 registered under Sections 21 and of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 of the Act added later on), at Police Station Sadar Jhunir, District Mansa.
2. Brief facts of the present case are that as per the prosecution, on 21.05.2025, ASI Dalel Singh, along with his fellow police officials was on patrolling duty and on suspicion, apprehended two persons, namely, Hardeep Singh @ Chucha and the petitioner-Gurwinder Singh alias Natha, who were found in conscious possession of 10 grams of heroin.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with



the said offence. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. The petitioner is in custody since 21.05.2025. The investigation in the case is complete and challan also stands presented. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind the bars. Further, co-accused Hardeep Singh @ Chucha, who was apprehended with the petitioner at the spot, has already been granted the concession of regular bail by the Court of learned Judge Special Court, Mansa, vide order dated 19.06.2025. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the status report in the matter and while referring to the same, has vehemently opposed the prayer for bail, stating that the offence committed by the petitioner is serious in nature. He has further submitted that the petitioner is convicted in three other cases meaning thereby he is an habitual offender. However, he has not controverted the fact that the alleged contraband recovered from his possession falls under the non-commercial category.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 03 months, investigation is complete; challan stands presented and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.



CRM-M-37193 of 2025

-3-

6. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. As regards the submission of learned State counsel that petitioner is involved in other/one more criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s). The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty

