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

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Date of Decision: 01.12.2025

Surinder Singh alias Shinda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Malkiat S. Hundal, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, 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.75 dated 31.05.2025 registered under Section 21(b)/27(a)/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sultanwind, District Amritsar.
2. Brief facts of the present case as per the prosecution are that on 31.05.2025, ASI Kamaljit Singh, along with his fellow police officials was on patrolling duty and on suspicion, they apprehended the petitioner and one Karanpreet Singh @ Katta, who were found in conscious possession of 50 grams of heroin along with cash amount of Rs.1100/-.
3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with

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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. He argues that recovery of alleged contraband has already been effected from the petitioner as well as co-accused Karanpreet Singh @ Katta, which falls under the non-commercial quantity and nothing more is to be recovered from him. The petitioner is in custody since 31.05.2025. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Further, co-accused Karanpreet Singh @ Katta, who was apprehended at the spot with the petitioner, has already been granted the concession of regular bail by this Court, vide order dated 16.10.2025. He further submits that investigation in the present case is under-way and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, has filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. However, he has not controverted the fact that the petitioner is first time offender as he is not involved in any other case.

6. 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 05 months; he has clean antecedents; recovery has already been effected from him; the complicity of the petitioner is a matter



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of trial, and the trial is likely to take a long time to conclude. No useful purpose would be served by keeping the petitioner in further custody. His continued 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.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held 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*".

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 Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

01.12.2025

D.Bansal

(RUPINDERJIT CHAHAL)
JUDGE

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