



CRM-M-41795 of 2025

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

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CRM-M-41795 of 2025
Date of Decision: 01.09.2025

Akashdeep Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Raghav Soni, Advocate for 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.78 dated 25.04.2025 registered under Sections 21(b)/21(c)/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chherharta, District Police Commissinerate Amritsar.

2. Brief facts of the present case are that as per the prosecution, on 25.04.2025, ASI Tejbir Singh, along with his fellow police officials was on patrolling duty and on suspicion, apprehended the petitioner, who was 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 the petitioner has clean

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antecedents and he is first time offender. The petitioner is in custody since 25.04.2025 and the recovery of alleged contraband has already been effected from him. 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 Lovedeep Singh @ Love has already been granted the concession of regular bail by a Co-ordinate Bench of this Court passed in CRM-M-38282-2025, vide order dated 25.07.2025. 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, filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail, stating that the offence committed by the petitioner is serious in nature. He further submits that the petitioner was apprehended at the spot with the alleged contraband. However, he has not controverted the fact that the petitioner 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 04 months, and the fact that 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.

7. This Court is sanguine of the fact that according to the proposition settled by the Apex Court in ***Dataram Singh vs. State of Uttar***



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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*”.

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.

(RUPINDERJIT CHAHAL)
JUDGE

01.09.2025*D.Bansal*

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