

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

CRM-M-45702-2025

Date of decision: 19.11.2025

ROSHAN SINGH ALIAS ROSHI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Ms. Harshita, Legal Aid Counsel for the petitioner.

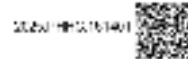
Mr. Amit Shukla, DAG Punjab.

.....
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.40 dated 22.04.2025 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Jalalabad, District Fazilka (Annexure P-1).

2. Brief facts of the present case are that as per the prosecution, ASI Sukhdev Singh while on patrolling duty apprehended the petitioner who was found in conscious possession of 10 grams Heroin. Hence, the present FIR.

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 argues that a false recovery has been planted upon the petitioner. He further argues that signatures of the petitioner were taken on a blank paper by the police and only 10 grams heroin is alleged to have been recovered from the petitioner which falls under the non-commercial quantity.

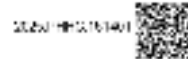


The petitioner is in custody since 22.04.2025. The investigation in the case is complete, challan is presented, charges have been framed, out of 10 prosecution witnesses none has been examined. He submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the custody certificate, 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 and he was apprehended at the spot with the alleged contraband. He has further submitted that the petitioner is involved in multiple cases meaning thereby he is a habitual offender.

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 06 months, investigation is complete; challan stands presented; charges have been framed, none of the prosecution witnesses have been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of trial being concluded in near future would be violative of his rights under Article 21 of the Constitution of India.

6. 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 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 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

19.11.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No