



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-48112-2025
Decided on : 27.11.2025

Vishal Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Nitin Narula, Advocate, for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Vishal Singh	182	27.09.2023	21, 23, 25, 27-A, 29, 61, 85 of NDPS Act	Gharinda	Amritsar Rural

2. As per the case of prosecution, there was a secret information with the police and thereupon, the Innova Car bearing registration No. PB46-AA-0263, was intercepted, which was found to be driven by the petitioner - Vishal Singh and co-accused – Gurbaaz Singh, aged 36 years, was noticed sitting on the co-passenger seat.

3. Learned counsel for the petitioner contends that the petitioner, only being the driver of the said vehicle, cannot be presumed to be an accused in the absence of any proof establishing his conscious possession of the contraband, i.e., 1.750 kg of ‘Heroin’, allegedly recovered from beneath the co-passenger seat in five bottles. It is further submitted that the petitioner has been



in custody since the date of his arrest from the spot, i.e., 27.09.2023, and has thus undergone incarceration for a period of approximately 02 years and 02 months.

4. It is also submitted that following the conclusion of investigation, the challan was presented on 23.02.2024, and charges were framed on 19.09.2024. However, out of the total 14 prosecution witnesses cited, not even a single witness has been examined till date.

Additionally, it is argued that the petitioner has no antecedents of involvement in any similar offence under the NDPS Act. Therefore, pending conclusion of the trial and adjudication of charges, the petitioner cannot be subjected to prolonged pre-trial detention.

Attention is drawn to the fact that co-accused 'Gurbaaz Singh', who is on similar footings, has already been granted the concession of regular bail by this Court vide order dated 28.07.2025 (Annexure P-3) passed in CRM-M-1050-2025, titled "*Gurbaaz Singh v. State of Punjab*". Accordingly, on the ground of parity also, prayer has been made for grant of regular bail to the petitioner.

5. On the other hand, learned State counsel has filed custody certificate dated 26.11.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

6. Learned State counsel vehemently opposed the prayer of bail. However, he is unable to refute the factual aspects of the case, which have been recorded here-above. However, learned State counsel submits that a substantial recovery has been effected from the petitioner, i.e., 1.750 kg 'Heroin', which



falls under the 'commercial' category. Thus, keeping in view the nature of offence and the substantial recovery of narcotic contraband, petitioner is not entitled to the concession of regular bail without first establishing his innocence.

However, he fairly conceded that except present case, petitioner is not found indulged in any other similar activity. He is inside jail for 02 years, 02 months, and till date, none of the witnesses has been examined so far, out of the total 14 prosecution witnesses.

7. Heard learned counsel for the parties and perused the instant petition. Petitioner is a young individual, aged about 27 years, with clean antecedents and no history of involvement in any other offence punishable under the NDPS Act. In these circumstances, his plea for bail deserves serious consideration.

It is also noticed that the petitioner has already undergone incarceration for a period of more than two years. Out of total of 14 prosecution witnesses, none has been examined so far, and therefore, conclusion of the trial is likely to take considerable time. Prolonged pre-trial detention, without the trial reaching its culmination, would seriously prejudice the petitioner's liberty as well as his prospects of rehabilitation. Though the nature of the offence and the recovery being of commercial quantity will require thorough scrutiny during trial, yet keeping in view the petitioner's age, clean antecedents, and the fact that the trial is still at a very early stage, his continued detention does not appear to be warranted.

In view of the totality of these circumstances, and the nature allegations leveled against the petitioner, including the factors noticed here-above, this Court deems it appropriate to grant the concession of bail to the



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petitioner, so as to afford the petitioner an opportunity to reform and reintegrate himself in the society.

8. Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

November 27, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No