



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.49608 of 2025 (O&M)

Reserved on: 28.10.2025

Date of Decision: 31.10.2025

Sahil Singh @ Suraj

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Ms. Ayushi, Advocate for
Mr.Umesh Aggarwal, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 21, 27(a), 29, 61 and 85 of Narcotic Drugs & Psychotropic Substances Act, 1985 [Section 303(2) & 317(2) of BNS added later on], the FIR No.146 dated 05.07.2025, has been lodged in Police Station Jandiala, District Amritsar Rural. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition seeking for grant of bail, under Section 483 of BNSS.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on 05.07.2025, when a police party headed by SI Naresh Kumar was on patrolling duty in the village Vairowal, Jandiala Road,,



and he spotted a person, who was carrying a polythene wax envelope in his right hand. It has been alleged that when the abovesaid person noticed that police party was approaching him, he threw the envelope, but he was successfully intercepted, and apprehended. According to the prosecution when the contents of the envelope, being carried by him, were checked it was found that he was carrying 18.30 grams of heroin in that packet and on the search of his person, cash of Rs.2250/- was also recovered from his possession. In the backdrop of abovesaid recovery, the petitioner has been prosecuted for the aforesaid offence.

3. Heard.

4. It has been contended on behalf of petitioner that the petitioner is innocent, having no nexus, whatsoever, with the commission of crime, and that he has been falsely implicated in the present case. According to learned counsel for the petitioner the quantity of recovered contraband, i.e. 18.30 gms heroin, is little above the highest threshold meant for small quantity and only a fraction of lower limit of commercial quantity. As per learned counsel for the petitioner, the petitioner has already suffered a long incarceration for being in custody for a period of more than 3 months and that petitioner has no criminal antecedents and that nothing is left to be recovered from the possession of petitioner.

5. Per contra, the learned State counsel has argued that the petitioner has been found in possession of large quantity of narcotic substance and that instant case is a case wherein the petitioner cannot claim that his fundamental



rights of life and liberty has been violated due to long incarceration.

6. The record has been perused carefully.

7. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

- i). that petitioner is already in custody for a period of more than 3 months;
- ii) that the quantity of contraband recovered from possession of petitioner is far below the lowest limit meant for commercial quantity;
- iii) that the petitioner has clean antecedents;
- iv) that trial of the case is not likely to be concluded in near future;
- v) that nothing is left to be recovered from the possession of the petitioner;
- vi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses.

8. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of “***Dataram versus State of Uttar Pradesh and another***”, 2018(2) R.C.R. (Criminal) 131, has observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be



innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

9. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**’, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that “*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being*



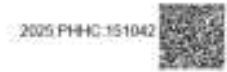
nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

10. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “***Balwinder Singh versus State of Punjab and Another***”, SLP (Crl.) No.8523/2024.

11. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and the present petition deserves to be allowed.

12. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

- i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him from closing such facts to the Court or to any other authority;
- ii) that the petitioner shall at the time of execution of bond, furnish



the address to the Court concerned and shall notify the change in address to the trial Court, till the final disposal of the case; and

iii) that the petitioner shall not leave India without prior permission of the trial Court.

13. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

31.10.2025
Manoj Bhutani

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