



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-54454 of 2025
Date of Decision: 13.11.2025

Harjeet Singh Panch

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Bikramjeet Singh Jatana, Advocate
for the petitioner.

Mr. Amit Shukla, DAG, Punjab
for the respondent-State.

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.0105 dated 26.05.2025, registered under Section 18 of the of the Narcotic Drugs and Psychotropic Substances Act, 1985 (deleted qua the petitioner) and Section 27 of the NDPS Act (added lateron), at Police Station Bhikhi, District Mansa.
2. Brief facts as per the prosecution case are that on 26.05.2025, ASI Swaran Kaur along with her fellow police officials was on patrolling duty, and on suspicion, apprehended the petitioner and one co-accused Balwinder Singh alias Kala, who were found in conscious possession of 03 kg opium and Rs.5000/- drug money. Hence the present FIR.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He further contends that the petitioner has no concern with the said offence, therefore, Section 18 of the NDPS Act was deleted qua him on the recommendation of Superintendent of Police (Inv.), Mansa is not made out against him. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. Learned counsel has argued that recovery of alleged contraband has already been effected and nothing more is to be recovered from the petitioner. Learned counsel contends that in this case the witnesses are the police officials, therefore, there is no chance for him to tamper with the evidence. The petitioner has clean antecedents. He is in custody since 26.05.2025. The challan is yet to be presented. Learned counsel further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate as well as status report, which are taken on record. He has acceded the fact that the petitioner was not found having any concern with the recovered contraband. However, the dope test of petitioner was positive as such challan will be presented against him under Section 27 of the NDPS Act. Hence, he prays for dismissal of the present petition. However, he could not controvert the fact that the petitioner has clean antecedents.

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 05 months and 14 days; he has clean antecedents, challan is yet to be presented



and the fact that the Superintendent of Police (Inv.), Mansa has recommended to delete Section 18 of the NDPS Act qua petitioner as he was not found having any concern with the recovered contraband (Annexure P-2), 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.

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 her 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”.

7. 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.

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

13.11.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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

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