



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

CRM-M-55749-2025
Date of decision: 09.12.2025

HIRA SINGH @ HEERA SINGH

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Raghav Soni, Advocate for the petitioner.

Mr. Surinderjit Singh Nahar, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in case FIR No.171 dated 19.06.2023 registered under Sections 21-B, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station STF, SAS Nagar (Mohali).

2. Learned counsel for the petitioner contended that petitioner is in custody since 20.06.2023 i.e. for the last 02 years, 05 months and 19 days; the alleged contraband recovered from the petitioner falls under the category of non-commercial quantity i.e. intermediate quantity; co-accused, namely, Balwinder Kaur, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 11.12.2023 passed in **CRM-M No.61088 of 2023** (Annexure P-2); trial will take sufficient time to conclude, as out of 11 prosecution witnesses, only one witness has been examined till date and the petitioner is ready to abide by the condition(s), if



any, would be imposed upon him by this Court. As such, the petitioner deserves to be granted bail.

3. Learned State counsel has produced the custody certificate of the petitioner, which is taken on record. Learned State counsel submitted that co-accused, who was released on bail has not been appearing before the trial Court and the petitioner is also involved in two more cases under the NDPS Act. As such, learned State counsel prayed for dismissal of the present petition.

4. Heard.

5. Keeping in view the facts and circumstances of the present case and the fact that as per the custody certificate of the petitioner, he is in custody since 20.06.2023 i.e. for the last 02 years, 05 months and 19 days; the contraband i.e. 160 grams of heroine recovered from the petitioner falls under the category of non-commercial quantity i.e. intermediate quantity; co-accused, namely, Balwinder Kaur, has already been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 11.12.2023 passed in **CRM-M No.61088 of 2023** (Annexure P-2); trial will take sufficient time to conclude as out of 11 prosecution witnesses, only one witness has been examined till date; no fruitful purpose would be served by keeping the petitioner in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both parties and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.



6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned and subject to the condition that if after getting released on bail, any FIR is registered against the petitioner, the State would be at liberty to move appropriate application seeking cancellation of bail of the petitioner and the trial Court shall decide the said application after giving an opportunity of hearing to the petitioner.

7. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

December 09, 2025
manisha

(SUBHAS MEHLA)
JUDGE

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