



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-57320-2025
Decided on : 12.12.2025

SEWA SINGH
.....Petitioner
Versus
STATE OF PUNJAB
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Lokesh Garg, Advocate, for
Mr. Kushagra Mahajan, Advocate,
for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sewa Singh, aged about 55 years	70	25.05.2025	21(b), 27(a) of NDPS Act and section 29 of NDPS Act added later on	Sultanwind	Amritsar

2. Learned counsel for the petitioner contends that, as per case of the prosecution, when police party reached the graveyard area, one person was noticed carrying a polythene bag in his hand, who, upon seeing the police party, attempted to throw it away. The police personnel



apprehended him, and upon searching the bag, they allegedly recovered 47.95 grams of heroin along with Indian currency amounting to Rs.1,700/-. The individual disclosed his name as Sewa Singh (petitioner herein).

3. Counsel for the petitioner argues that allegations are completely false and inherently improbable. It is submitted that, in normal circumstances, there is no plausible reason for a person to keep the currency notes along with heroin in a polythene bag, especially when he had pockets in his clothes. Moreover, the recovered quantity is far below the threshold of commercial quantity (i.e., 250 grams). Petitioner is already inside jail since 25.05.2025, amounting to custody period of 6 months and 14 days.

It is further submitted that petitioner, aged 55 years, is not facing any other prosecution under the NDPS Act, except one additional case, however, he has never been convicted in any of the case. Due to political rivalry, he has been falsely implicated in successive cases of this nature.

4. Learned counsel for the petitioner also submits that trial is likely to take considerable time to conclude, and given the small quantity allegedly recovered from the petitioner, he ought not to remain in custody for an indefinite period. It is argued that he deserves an opportunity for rehabilitation in society. Thus, counsel prays for grant of regular bail to the petitioner in the present case.

5. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate



dated 11.12.2025, in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 06 months and 14 days period inside jail.

6. Learned State counsel, while opposing the prayer and submissions advanced on behalf of the petitioner, contends that petitioner is a habitual offender, as he is involved in one more case registered under the NDPS Act, in addition to two other criminal cases. In view of his criminal antecedents, it is argued that he does not deserve the concession of bail. Thus, learned State counsel prays that present petition be dismissed.

7. This Court has heard the submissions addressed by learned counsel for the parties and has also perused the record available on file.

8. Allegations in the present case are yet to be proved by the prosecution before the trial Court. As on date, petitioner is not a convict in any case registered under the NDPS Act. Moreover, he is in custody since 25.05.2025, amounting to a period of 6 months and 14 days. Trial is likely to take considerable time to conclude. This Court is of the opinion that petitioner deserves an opportunity to rehabilitate himself and reintegrate into society by availing the beneficial principles of reformation.

Therefore, in view of totality of the circumstances, nature of allegations levelled against the petitioner, and the factors noticed



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hereinabove, this Court deems it appropriate to extend the concession of bail to the petitioner.

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. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

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.

(SANJAY VASHISTH)
JUDGE

12.12.2025

Lavisha

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**