

2025:PHHC:129183



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

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**CRM-M-59937-2024 (O&M)
Date of Decision: 17.09.2025**

RAGHUVIR SINGH @ SAMMA

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

This petition has been filed under 439 OF Cr.P.C. (Section 483 of BNSS, 2023) for grant of regular bail to the petitioner in case FIR No.17 dated 22.03.2024 under Sections 21 and 29-61-85 of NDPS Act, 1985 registered at Police Station Longowal, District Sangrur.

2. The case of prosecution is that on 22.03.2024, the petitioner alongwith his co-accused were travelling in car, which was being driven by Gurraj Singh and the petitioner was sitting on the conductor seat. On search, contraband in a polythene bag was recovered from the gear box of the said car.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case as he had merely taken lift in the said vehicle and has no concern with the driver thereof or with regard to the contraband recovered therefrom. It is contended that the petitioner was not found to be in conscious possession of the contraband. Moreover, on the disclosure statement of the co-accused Gurraj Singh, one Ajay Singh has also been arrayed as an accused, however, there is no evidence on record to connect the petitioner with the alleged recovery. He further submits that the petitioner had never communicated with the said Ajay Singh, who is stated to be the supplier of the contraband in question. He further submits that the petitioner is in custody for the last 01 year, 05 months and 20 days. He further submits that out of the 17 cited prosecution witnesses, only 02 have been examined so far. He further submits that the petitioner is stated to be indulged in another case under NDPS Act, but the same was registered while he was in custody. Counsel thus prays for allowing the present petition and granting the benefit of regular bail to the petitioner.

4. Mr. Rishab Singla, AAG, Punjab has vehemently opposed the petition for grant of bail and has filed the custody certificate dated 16.09.2025 in the Court today, which is taken on record. He further submits that as per custody certificate, the petitioner is in custody for the last 01 year 05 months and 20 days. He further submits that the petitioner is involved in one more case under NDPS Act and prays for dismissal of the petition.

5. I have heard the learned counsel for the parties and perused the record.

6. Learned State Counsel could not bring anything on record, which could establish that the petitioner was known either to the owner of vehicle i.e. Gurraj Singh or to the alleged supplier of the contraband i.e. Ajay Singh. Moreover, out of the 17 cited prosecution witnesses, the prosecution has examined only 02 witnesses. The trial of the case will take a long time to conclude. Speedy trial is a valuable right of the petitioner. As such, no useful purpose would be served by detaining the petitioner behind bars any longer. So far as the other case is concerned, the same has been registered against the petitioner while he was in custody.

7. Keeping in view the facts and circumstances of the case and the fact that despite custody of more than one year and five months, the prosecution is not able to conclude the trial, this Court is of the opinion that the petitioner deserves concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous detention of the petitioner would not serve the ends of justice, this Court deems it a fit case to grant the concession of regular bail to the petitioner during the pendency of the trial.

8. 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 bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. It is clarified that if while on bail, so granted through the instant order, the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

10. Pending applications, if any, shall also stand disposed of.

SEPT. 05, 2025.

Rajender

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No